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RULES

MADE BY GOVERNMENT

UNDER

THE INDIAN FOREST ACT, VII OF 1878,

FOR

THE MANAGEMENT, &c.,

OF

FORESTS OF THE LOWER PROVINCES, BENGAL,

WITH

THE ACT PREFIXED.

CALCUTTA:
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1887.

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NOTE.—These Rules are complete up to the 1st June 1887.

ACT No. V OF 1890.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th February, 1890.)

An Act to amend the Indian Forest Act, 1878, and the Burma Forest Act, 1881.

WHEREAS it is expedient to amend the Indian Forest Act, 1878, and the Burma Forest Act, 1881; It is hereby enacted as follows:—

VII of 1878.
XIX of 1881.

Title and commencement.

1. (*1*) This Act may be called the Forest Act, 1890: and

(*2*) It shall come into force at once.

Indian Forest Act, 1878.

Amendment of section 2, Act VII, 1878.

2. (*1*) For the definition of "Tree" in section 2 of the Indian Forest Act, 1878, the following shall be substituted, namely:—

VII of 1878.

"'Tree' includes palms, bamboos, stumps, brushwood and canes:".

(*2*) For the definition of "Timber" in the same section the following shall be substituted, namely:—

"'Timber' includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not:".

(*3*) For the definition of "Forest-produce" in the same section the following shall be substituted, namely:—

"'Forest-produce' includes—

(*a*) the following, whether found in, or brought from, a forest or not, that is to say:—

timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers and myrabolams, and

(*b*) the

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(*b*) the following when found in, or brought from, a forest, that is to say :—

(*i*) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned of trees,

(*ii*) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,

(*iii*) wild animals, and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and

(*iv*) peat, surface-soil, rock, and minerals (including limestone, laterite, mineral oils, and all products of mines or quarries) : ".

Amendment of section 4, Act VII, 1878.

3. For clause (*b*) of section 4 of the said Act the following shall be substituted, namely :—

" (*b*) specifying as nearly as possible the situation and limits of such land ; and ".

Addition to section 5, Act VII, 1878.

4. To section 5 of the said Act the words " except in accordance with rules prescribed by the Local Government " shall be added.

Amendment of section 6, Act VII, 1878.

5. For clause (*a*) of section 6 of the said Act the following shall be substituted, namely :—

" (*a*) specifying as nearly as possible the situation and limits of the proposed forest ;".

Addition of new section after section 9, Act VII, 1878.

6. After section 9 of the said Act the following shall be inserted, namely :—

Treatment of claims relating to practice of shifting cultivation.

" 9A. (*1*) In the case of a claim relating to the practice of shifting cultivation, the Forest-Settlement-officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated, and submit the statement to the Local Government together

together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.

(*2*) On receipt of the statement and opinion the Local Government may make an order permitting or prohibiting the practice wholly or in part.

(*3*) If such practice is permitted wholly or in part, the Forest-Settlement-officer may arrange for its exercise—

(*a*) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants, or

(*b*) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practise shifting cultivation therein under such conditions as he may prescribe.

All arrangements made under this sub-section shall be subject to the previous sanction of the Local Government.

(*4*) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the Local Government."

Amendment of section 25, Act VII, 1878.

7. For clause (*b*) of section 25 of the said Act the following shall be substituted, namely :—

"(*b*) sets fire to a reserved forest, or, in contravention of any rules made by the Local Government, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest; ".

Amendment of Chapters VII and VIII, Act VII, 1878.

8. (*1*) In the heading of Chapter VII of the said Act, for the words "OF THE DUTY ON TIMBER" the words "OF THE DUTY ON TIMBER AND OTHER FOREST-PRODUCE" shall be substituted.

(*2*) In section 39 of the said Act, after the word "timber", in both places where the word occurs, the words "or other forest-produce" shall be inserted.

(*3*) In

(*3*) In clause (*a*) of section 41 of the said Act, for the words "and other" the words "or other" shall be substituted.

Addition to section 41, Act VII, 1878.

(*4*) To section 41 of the said Act the following shall be added, namely:—

"The Local Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest-produce or to any specified local area."

Amendment of section 47, Act VII, 1878.

9. In section 47 of the said Act the words "within three months" shall be substituted for the words "within two months".

Addition to section 48, Act VII, 1878.

10. To section 48 of the said Act, after the word "encumbrances" the words "not created by him" shall be added.

Amendment of section 56, Act VII, 1878.

11. In section 56 of the said Act, for the words "whom he deems to be entitled to the same" the words "whom the Magistrate deems to be entitled to the same" shall be substituted.

Amendment of section 63, Act VII, 1878.

12. In section 63 of the said Act, after the words "before the Magistrate having jurisdiction in the case", the words "or to the officer in charge of the nearest police-station" shall be added.

Amendment of section 67, Act VII, 1878.

13. (*1*) For section 67 of the said Act the following shall be substituted, namely:—

Power to compound offences.

"67. (*1*) The Local Government may, from time to time, by notification in the official Gazette, empower a Forest-officer by name, or as holding an office,—

(*a*) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in section 61 or section 62, a sum of money by way of compensation for the offence which such person is suspected to have committed, and,

(*b*) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(*2*) On

(*2*) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

(*3*) A Forest-officer shall not be empowered under this section unless he is a Forest-officer of a rank not inferior to that of a ranger and is in receipt of a monthly salary amounting to at least one hundred rupees, and the sum of money accepted as compensation under sub-section (*1*), clause (*a*), shall in no case exceed the sum of fifty rupees."

14. After section 83 of the said Act the following shall be added, namely:— Addition of new section after section 83, Act VII, 1878.

"84. When any person, in compliance with any rule under this Act, binds himself by any instrument to perform any duty or act, or covenants by any instrument that he, or that he and his servants and agents, will abstain from any act, the whole sum mentioned in such instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872, be recovered from him in case of such breach as if it were an arrear of land-revenue." Recovery of penalties due under bond. IX of 1872.

Burma Forest Act, 1881.

15. (*1*) For the definition of "tree" in section 3 of the Burma Forest Act, 1881, the following shall be substituted, namely:— XIX of 1881. Amendment of section 3, Act XIX, 1881.

"'tree' includes palms, bamboos, stumps, brushwood and canes:".

(*2*) For the definition of "forest-produce" in the same section the following shall be substituted, namely:—

"'forest-produce' includes—

(*a*) the following, whether found in, or brought from, a forest or not, that is to say:—

timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac,

lac, mahua flowers and myrabolams, and

(*b*) the following when found in, or brought from, a forest, that is to say :—

(*i*) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned of trees,

(*ii*) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,

(*iii*) wild animals, and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and

(*iv*) peat, surface-soil, rock and minerals (including limestone, laterite, mineral oils and all products of mines or quarries) :".

Amendment of section 26, Act XIX, 1881.

16. For clause (*b*) of section 26 of the said Act the following shall be substituted, namely :—

"(*b*) sets fire to a reserved forest, or, in contravention of any rules made by the Chief Commissioner, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest,".

Amendment of Chapters V and VI, Act XIX, 1881.

17. (*1*) In the heading of Chapter V of the said Act, for the words "OF THE DUTY ON TIMBER" the words "OF THE DUTY ON TIMBER AND OTHER FOREST-PRODUCE", and in the heading of Chapter VI of the said Act, for the words "OF THE CONTROL OF TIMBER IN TRANSIT" the words "OF THE CONTROL OF TIMBER AND OTHER FOREST-PRODUCE IN TRANSIT" shall be substituted.

(*2*) In sections 39, 41 and 42, after the word "timber", wherever it occurs, the words "or other forest-produce" shall be inserted.

(*3*) Throughout section 43, after the word "timber", except in the first paragraph, where the word first

first occurs, and in clauses (*e*), (*i*), (*l*) and (*m*), the words "or other forest-produce" shall be inserted.

(*4*) To section 43 of the said Act the following shall be added, namely :—

"The Chief Commissioner may direct that any rule made under this section shall not apply to any specified class of timber or other forest-produce or to any specified local area."

18. In section 48 of the said Act the words "within three months" shall be substituted for the words "within two months". Amendment of section 48, Act XIX, 1881.

19. In section 63 of the said Act, after the words "before the Magistrate having jurisdiction in the case", the words "or to the officer in charge of the nearest police-station" shall be added. Amendment of section 63, Act XIX, 1881.

20. For section 66 of the said Act the following shall be substituted, namely :— Amendment of section 66, Act XIX, 1881.

"66. (*1*) The Chief Commissioner may, from time to time, by notification in the official Gazette, empower a Forest-officer by name, or as holding an office,— Power to compound offences.

(*a*) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in section 61 or section 62, a sum of money by way of compensation for the offence which such person is suspected to have committed, and,

(*b*) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(*2*) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

(*3*) A

(*3*) A Forest-officer shall not be empowered under this section unless he is a Forest-officer of a rank not inferior to that of a ranger and is in receipt of a monthly salary amounting to at least one hundred rupees, and the sum of money accepted as compensation under sub-section (*1*), clause (*a*), shall in no case exceed the sum of fifty rupees."

Repeal of section 70 (*k*), Act XIX, 1881.

21. Clause (*k*) of section 70 of the said Act is hereby repealed.

Addition of new section after section 80, Act XIX, 1881.

22. After section 80 of the said Act the following section shall be added, namely :—

Recovery of penalties due under bond.

"81. When any person, in compliance with any rule under this Act, binds himself by any instrument to perform any duty or act, or covenants by any instrument that he, or that he and his servants and agents, will abstain from any act, the whole sum mentioned in such instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872, be recovered from him in case of such breach as if it were an arrear of land-revenue." IX of 1872.

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THE INDIAN FOREST ACT, 1878.

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BENGAL SECRETARIAT

ACT No. VII of 1878.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 8th March* 1878.)

An Act to amend the law relating to forests, the transit of forest-produce, and the duty leviable on timber.

WHEREAS it is expedient to amend the law relating to forests, the transit of forest-produce and the duty leviable on timber; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Indian Forest Act 1878." Short title.

It shall come into force at once in the territories respectively administered by the Governor of Bombay in Council, the Lieutenant-Governors of the Lower Provinces, the North-Western Provinces and the Panjáb (except the District of Hazára), and the Chief Commissioners of Oudh, the Central Provinces and Assam. Commencement.

And any other Local Government may from time to time, with the previous sanction of the Governor-General in Council, extend, by notification in the local official Gazette, this Act to all or any of the territories for the time being under its administration. Extension.

On and from the date on which this Act comes into force in any of the said territories, the enactments mentioned in the schedule hereto annexed shall be repealed in such territories. But all rules made under or validated by any of the said enactments and in force at the date of such repeal shall, so far as they are Repeal of enactment.

are consistent with this Act, be deemed to have been made and published hereunder.

Interpretation-clause.

2. In this Act, unless there be something repugnant in the subject or context,—

"Forest-officer."

"Forest-officer" means any person whom the Governor-General in Council, or the Local Government or any officer empowerd by the Governor-General in Council or the Local Government in this behalf, may from time to time appoint by name, or as holding an office, to carry out all or any of the purposes of this Act, or to do anything required by this Act or any rule made under this Act to be done by a Forest-officer:

"Tree."

"Tree" includes bamboos, stumps and brushwood:

"Timber."

"Timber" includes trees and bamboos when they have fallen or have been felled, and all wood, whether cut up, or fashioned or hollowed-out for cart-wheels, mortars, canoes or other purposes or not:

"Forest-produce."

"Forest-produce" includes the following when found in, or brought from, a forest, that is to say,—

minerals (including limestone and laterite), surface-soil, trees, timber, grass, peat, canes, creepers, reeds, leaves, moss, flowers, fruits, roots, juice, catechu, bark, honey, wax, lac, caoutchouc, gum, wood-oil, grass oil, resin, varnish, silk-worms and cocoons, shells, skins, tusks, bones and horns:

"Forest-offence."

"Forest-offence" means an offence punishable under this Act, or under any rule made under this Act:

"Cattle."

"Cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids:

"River."

"River" includes streams, canals, creeks and other channels, natural or artificial.

CHAPTER II.

Of Reserved Forests.

Power to reserve forests.

3. The Local Government may from time to time constitute any forest-land or waste-land which is the property

property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

Notification by Local Government.

4. Whenever it is proposed to constitute any land a reserved forest, the Local Government may published a notification in the local official Gazette—

(*a*) declaring that it is proposed to constitute such land a reserved forest;

(*b*) specifying the limits of such forest; and

(*c*) appointing an officer (hereinafter called "the Forest-Settlement-officer") to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits, or in or over any forest-produce, and to deal with the same as provided in this chapter.

Explanation 1.—For the purpose of clause (*b*) of this section, it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

The officer appointed under clause (*c*) of this section shall ordinarily be a person not holding any forest-office except that of Forest-Settlement-officer.

Nothing in this section shall prevent the Local Government from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest-office except as aforesaid to perform the duties of a Forest-Settlement-officer under this Act.

Bar of accrual of forest-rights.

5. During the interval between the publication of such notification and the date fixed by the notification under section nineteen, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of Government or some person in whom such right was vested when the former notification was issued; and no fresh clearings for

for cultivation or for any other purpose shall be made in such land.

Proclamation by Forest-Settlement-officer.

6. When a notification has been issued under section four, the Forest-Settlement-officer shall publish in the language of the country, in every town and village in the neighbourhood of the land comprised therein, a proclamation—

(*a*) specifying the limits of the proposed forest;

(*b*) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(*c*) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in section four or five either to present to such officer within such period a written notice specifying, or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

Enquiry by Forest-Settlement-officer.

7. The Forest-Settlement-officer shall take down in writing all statements made under section six, and shall, at some convenient place, enquire into all claims duly preferred under that section, and the existence of any rights metioned in section four or five and not claimed under section six so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Powers of Forest-Settlement-officer.

8. For the purposes of such enquiry, the Forest-Settlement-officer may exercise the following powers, that is to say:—

(*a*) power to enter, by himself or any officer authorized by him for the purpose upon any land, and to survey, demarcate and make a map of the same, and

(*b*) the powers of a Civil Court in the trial of suits.

Extinction of rights.

9. Rights in respect of which no claim has been prepared under section six, and of the existence of which

which no knowledge has been acquired by enquiry under section seven, shall be extinguished, unless by before the notification under section nineteen is published the person claiming them satisfies the Forest-Settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section six.

Power to acquire land over which right is claimed.

10. In the case of a claim to a right in or over any land, other than a right of way or pasture, or to forest-produce or a water-course, the Forest-Settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

If such claim is admitted in whole or in part, the Forest-Settlement-officer shall either (1) exclude such land from the limits of the proposed forest; or (2) come to an agreement with the owner thereof for the surrender of his rights; or (3) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1870.

For the purpose of so acquiring such land—

(*a*) the Forest-Settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1870.

(*b*) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section nine of that Act.

(*c*) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and

(*d*) the Collector, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, or partly in land and partly in money.

Order on claims to rights of pasture or to forest-produce.

11. In the case of a claim to rights of pasture or to forest-produce, the Forest-Settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

Record to be made by Forest-Settlement-officer.

12. The Forest Settlement-officer, when passing any order under section eleven, shall record, so far as may be practicable,—

(*a*) the

(*a*) the name, father's name, cast, residence and occupation of the person claiming the right;

(*b*) the designation, position and area of all fields or groups of fields (if any), and the designation and position of all buildings (if any), in respect of which the exercise of such rights is claimed.

Record where he admits claim.

13. If the Forest-Settlement-officer admits in whole or in part any claim under section eleven, he shall also record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other ferest produce which he is from time to time authorised to take or receive, or such other particulars as the case may require. He shall also record whether the timber or other forest-produce obtained by the exercise of the rights claimed may be sold or bartered.

Exercise of rights admitted.

14. After making such record, the Ferest-Settlement-officer shall, to the best of his ability, and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted. For this purpose, the Forest-Settlement-officer may—

(*a*) set out some other forest-tract of sufficient extent, and in a locality reasonably convenient for the purposes of such claimants, and record an order conferring upon them a right of pasture or to forest-produce (as the case may be) to the extent so admited: or

(*b*) so alter the limits of the proposed forest as to exclude forest-land of sufficient extent, and in a locality reasonably convenient, for the purposes of the claimants; or

(*c*) record an order, continuing to such claimants a right of pasture or to forest-produce (as the case may be), to the extent so admitted, at such seasons, within such portions of the proposed forest and under such rules, as may from time to time be prescribed by the Local Government.

15. In

15. In case the Forest-Settlement-officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section fourteen as shall ensure the continued exercise of the said rights to the extent so admitted, he shall (subject to such rules as the Local Government may from time to time prescribe in this behalf) commute such rights, either by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.

Commutation of rights.

16. Any person who has made a claim under this Act, or any Forest-officer or other person generally or specially empowered by the Local Government in this behalf, may within three months from the date of the order passed on such claim by the Forest-Settlement-officer under section ten, eleven, fourteen, or fifteen, present an appeal from such order to such officer of the Revenue Department, or rank not lower than that of a Collector or Deputy Commissioner, as the Local Government may from time to time, by notification in the local official Gazette, appoint by name, or as holding an office, to hear appeals from such orders:

Appeal from order passed under section 10, 11, 14 or 15.

Provided that if the Local Government establishes (as it is hereby empowered to do) a Court (hereinafter called the Forest-court) composed of three persons to be appointed by the Local Government, such appeals shall be presented to such Court.

17. Every appeal under section sixteen shall be made by petition in writing, and may be delivered to the Forest-Settlement-officer, who shall forward it without delay to the authority competent to hear the same.

Appeal under section 16.

If the appeal be to an officer appointed under section sixteen, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue.

If the appeal be to the Forest-court, the Court shall fix a day and a convenient place in the neighbourhood of the proposed forest for hearing the appeal and shall

and shall give notice thereof to the parties, and shall hear such appeal accordingly.

The order passed thereon by such officer or Court, or by the majority of the members of such Court, shall be final, subject to revision by the Local Government.

Pleaders.

18. The Local Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest-Settlement-officer, or the appellate officer or Court, in the course of any enquiry or appeal under this Act.

Notification declaring forest reserved.

19. When the following events have occurred (namely),—

(*a*) the period fixed under section six for preferring claims has elapsed, and all claims (if any) made within such period have been disposed of by the Forest-Settlement-officer; and

(*b*) if such claims have been made, and the period limited by section sixteen for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate officer or Court; and

(*c*) all lands (if any) to be included in the proposed forest, which the Forest-Settlement officer has, under section ten, elected to acquire under the Land Acquisition Act, 1870, have become vested in the Government under section sixteen of that Act.

the Local Governnent may publish a notification in the local official Gazette, specifying definitely, according to boundary-marks erected or otherwise, the limits of the forest which it is intended to reserve, and declaring the same to be reserved from a date fixed by such notification.

From the date so fixed, such forest shall be deemed to be a reserved forest.

Publication of translation of such notification.

20. The Forest-officer shall, before the date fixed by such notification, cause a translation thereof into the

the language of the country to be published in every town and village in the neighbourhood of the forest.

in neighbourhood of forest.

21. The Local Government may, within five years from the publication of any notification under section nineteen, revise any arrangement made under section fourteen or seventeen, and may, for this purpose, rescind or modify any order made under section fourteen or seventeen, and direct that any one of the proceedings specified in section fourteen be taken in lieu of any other of such proceedings, or that the rights admitted under section eleven be commuted under section fifteen.

Power to revise arrangement made under section 14 or 17.

22. No right of any description shall be acquired in or over a reserved forest, except by succession or under a grant or contract in writing made by or on behalf of the Government or of some person in whom such right was vested when the notification under section nineteen was issued.

No right acquired over reserved forest, except as here provided.

23. Notwithstanding anything contained in section twenty two, no right continued under section fourteen clause (c), shall be alienated by way of grant, sale lease mortgage or otherwise, without the sanction of the Local Government: provided that when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.

Rights not to be alienated without sanction.

No timber or other forest-produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under section thirteen.

24. The Forest-officer may from time to time, with the previous sanction of the Local Government or of any officer duly authorized in that behalf, stop any public or private way or water-course in a reserved forest; provided, that a substitute for the way or water-course so stopped, which the Local Government deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest-officer in lieu thereof.

Power to stop ways and water-course in reserved forests.

25. Any

Acts prohibited in such forests.

25. Any person who—

(*a*) makes any fresh clearing prohibited by section five, or

(*b*) sets fire to a reserved forest, or kindles any fire in such manner as to endanger the same;

or who, in is a reserved forest,

(*c*) kindles, keeps or carries any fire except at such seasons as the Forest-officer may from time to time notify in this behalf;

(*d*) trespasses or pastures cattle, or permits cattle to trespass;

(*e*) causes any damage by negligence in felling any tree or cutting or dragging any timber;

(*f*) fells, girdles, lops, taps or burns any tree, or stripsoff the bark or leaves from, or otherwise damages, the same;

(*g*) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process or removes any forest-produce;

(*h*) clears or breaks up any land for cultivation or any other purpose; or,

(*i*) in contravention of any rules which the Local Government may from time to time prescribe, kills or catches elephants, hunts, shoots, fishes, poisons water or sets traps or snares.

shall be punished with imprisonment for a term which may extend to six months, or with fine not exceeding five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

Nothing in this section shall be deemed to prohibit

(*a*) any act done by permission in writing of the Forest-officer, or under any rule made by the Local Government; or (*b*) the exercise of any right continued under section fourteen, clause (*c*), er created by grant or contract in writing made by or on behalf of Government under section twenty-two.

Whenever fire is caused wilfully or by gross negligence in a reserved forest, the Local Government may

may (nothwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest-produce shall be suspended for such period as it thinks fit.

Power to declare forest no longer reserved.

26. The Local Government may, with the previous sanction of the Governor-General in Council, by notification in the local official Gazette, direct that, from a date fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be a reserved forest

From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any which have been extinguished therein shall not revive in consequence of such cessation.

CHAPTER III.

Of Village-forests.

Formation of village-forests.

27. The Local Government may from time to time assign to any village-community the rights of Government to or over any land which has been constituted a reserved forest, and may cancel such assignment. All forests so assigned shall be called village-forests.

The Local Government may from time to time make rules for regulating the management of village-forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest-produce, or pasture, and their duties for the protection and improvement of such forest.

All provisions of this Act relating to reserved forests shall (so far as they are consistent with the rules so made) apply to village-forests.

CHAPTER IV.

Of protected Forests.

"Portected Forests."

28. The Local Government may from time to time, by notification in the local official Gazette, declare the provisions

provisions of this chapter applicable to any forest-land or waste-land which is not included in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled.

The forest-land and waste-lands comprised in any such notification shall be called a "Protected Forest."

No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been enquired into and recorded at a survey or settlement, or in such other manner as the Local Government thinks sufficient.

Every such record shall be presumed to be correct until the contrary is proved:

Provided that, if in the case of any forest-land or waste-land, the Local Government thinks that such enquiry and record are necessary, but that they will occupy such length of time as that the rights of Government will in the meantime be endangered, the Local Government may (pending such enquiry and record) declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

Power to issue notification—

29. The Local Government may from time to time, by notification in the local official Gazette,—

reserving trees,

(*a*) declare any class of trees in a protected forest, or any trees in any such forest, to be reserved from a date fixed by such notification;

closing forest

(*b*) declare that a portion of such forest be closed for such term not exceeding twenty years as the Local Government thinks fit, and that the rights of private persons (if any) over such portion shall be suspended during such term: provided that the remainder of such forest be sufficient, and in a locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed;

prohibiting collection of forest-produce, &c.,

(*c*) prohibit from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal

coal, or the collection or subjection to any manufacturing process, or removal, of any forest-produce, in any such forest, and the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, any land in any such forest: and

and breaking up or clearing of land.

(*d*) alter or cancel such declaration or prohibition.

30. The Collector or Deputy Commissioner of the district shall cause a translation into the language of the district, of every notification issued under section twenty-nine, to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

Publication of translation of such notification in neighbourhood.

31. The Local Government may from time to time make rules to regulate the following matters:—

Power to make rules for protected forests.

(*a*) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce from protected forests;

(*b*) the granting of licenses to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest-produce for their own use, and the production and return of such licenses by such persons;

(*c*) the granting of licenses to persons felling or removing trees or timber or other forest-produce from such forests for the purposes of trade, and the production and return of such licenses by such persons;

(*d*) the payments (if any) to be made by the persons mentioned in clauses (*b*) and (*c*) of this section, for permission to cut such trees, or to collect and remove such timber or other forest-produce;

(*e*) the other payments, if any, to be made by them in respect of such trees, timber and produce, and the places where such payments shall be made;

(*f*) the examination of forest-produce passing out of such forests;

(*g*) the clearing and breaking-up of land for cultivation or other purposes in such forests;

(*h*) the protection from fire of timber lying in such forests and of trees reserved under section twenty-nine;

(*i*) the

(*i*) the cutting of grass and pasturing of cattle in such forests;

(*j*) killing or catching elephants, hunting, shooting fishing, poisoning water, and setting traps or snares in such forests;

(*k*) the protection and management of any portion of a forest closed under section twenty-nine;

(*l*) the exercise of rights referred to in section twenty-eight.

Penalties for acts in contravention of notification under section 29.

32. Any person who commits any of the following offences:—

(*a*) fells, girdles, lops, taps or burns any tree reserved under section twenty-nine, or strips-off the bark or leaves from, or otherwise damages, any such tree;

(*b*) contrary to any prohibition under section twenty-nine, quarries any stone, or burns any lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest-produce;

(*c*) contrary to any prohibition under section twenty-nine, breaks up or clears for cultivation or any other purpose any land in any protected forest;

(*d*) sets fire to such forest, or kindles a fire without taking all reasonable precautions to prevent its spreading to any trees reserved under section twenty-nine, whether standing, fallen or felled, or to any closed portion of such forest;

(*e*) leaves burning any fire kindled by him in the vicinity of any such trees or closed portion;

(*f*) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;

(*g*) permits cattle to damage any such tree;

(*h*) infringes any rule made under section thirty-one,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

33. Nothing

33. Nothing in this chapter shall be deemed to prohibit any act done with the permission in writing of the Forest-officer, or in accordance with rules made under section thirty-one, or (except as regards any portion of a forest closed under section twenty-nine) in the exercise of any right recorded under section twenty-eight.

Nothing in this chapter to prohibit acts done in certain cases.

CHAPTER V.

Forests under Conservancy-administration when this Act comes into force.

34. Within twelve months from the date on which this Act comes into force in the territories administered by any Local Government, such Government shall, after consideration of the rights of the Government and private persons in all forest-lands or waste-lands then under its executive control for purposes of forest-conservancy, determine which of such lands (if any) can, according to justice, equity and good conscience, be classed as reserved forests or protected forests under this Act, and declare, by notification in the local official Gazette, any lands so classed to be reserved or protected forests, as the case may be:

Forests under conservancy-administration when this Act comes into force.

Provided that such declaration shall not affect any rights of the Government or private persons to or over any land or forest-produce in any such forest, which have, previous to the date of such declaration, been enquired into, settled and recorded in a manner which the Local Government thinks sufficient:

Provided also that if any such rights have not on such date been so enquired into, settled and recorded, the Local Government shall direct that the same shall be enquired into, settled and recorded in the manner provided by this Act for reserved or protected forests, as the case may be; and until such enquiry, settlement and record have been completed, no such declaration shall abridge or affect such rights.

CHAPTER VI.

CHAPTER VI.

OF THE CONTROL OVER FORESTS AND LANDS NOT BEING THE PROPERTY OF GOVERNMENT.

Protection of forests for special purposes.

35. The Local Government may from time to time, by notification in the local official Gazette, regulate or prohibit in any forest or waste-land—

(*a*) the breaking-up or clearing of land for cultivation;

(*b*) the pasturing of cattle;

(*c*) the firing or clearing of the vegetation;

when such regulation or prohibition appears necessary for any of the following purposes:—

First.—For protection against storms, winds, rolling stones, floods and avalanches;

Second.—For the preservation of the soil on the ridges and slopes, and in the valleys of hilly tracts, the prevention of landslips and of the formation of ravines and torrents, and the protection of land against erosion, or the deposit thereon of sand, stones or gravel;

Third.—For the maintenance of a water-supply in springs, rivers and tanks;

Fourth.—For the protection of roads, bridges, railways and other lines of communication;

Fifth.—For the preservation of the public health; and may alter or cancel such notification.

The Local Government may, for any such purpose, construct at its own expense, in or upon any forest or waste-land, such work as it thinks fit:

Provided that no such notification shall be made or work begun until after the issue of a notice to the owner of such forest or land, calling on him to shew cause, within a reasonable period to be specified in such notice, why such notification should not be made or work constructed, and until his objections (if any) and any evidence he may produce in support of the same have been heard by an officer duly appointed in that

that behalf, and have been considered by the Local Government.

36. In case of neglect of, or wilful disobedience to, any regulation or prohibition under section thirty-five, or if the purposes of any work to be constructed under that section so require, the Local Government may, after notice in writing to the owner of such forest or land, and after considering his objections (if any), place the same under the control of a Forest-officer, and may declare that all or any of the provisions of this Act relating to reserved forests shall apply to such forest or land. Power to assume management of forests.

The nett profits (if any) arising from the management of such forest or land shall be paid to the said proprietor.

37. In any case under this chapter in which the Local Government considers that, in lieu of placing the forest or land under the control of a Forest-officer, the same should be acquired for public purposes, the Local Government may proceed to acquire it in the manner prescribed by the Land Acquisition Act, 1870. Expropriation of forests in certain cases.

The owner of any forest or land comprised in any notification under section thirty-five may, at any time not less than three or more than twelve years from the date thereof, require that such forest or land shall be acquired for public purposes, and the Local Government shall acquire such forest or land accordingly.

38. The owner of any land or, if there be more than one owner thereof, the owners of shares therein amounting in the aggregate to at least two-thirds thereof may, with a view to the formation or conservation of forests thereon, represent in writing to the Collector or Deputy Commissioner their desire— Protection of forests at request of owners.

(*a*) that such land be managed on their behalf by the Forest-officer as a reserved or a protected forest on such terms as may be mutually agreed upon; or

(*b*) that all or any of the provisions of this Act be applied to such land.

In

In either case, the Local Government may, by notification in the local official Gazette, apply to such land such provisions of this Act as it thinks suitable to the circumstances thereof and as may be desired by the applicants.

Any such notification may be altered or cancelled by a like notification.

CHAPTER VII.

OF THE DUTY ON TIMBER.

Power to impose duty on timber.

39. The Local Government, with the previous sanction of the Governor-General in Council, may levy a duty in such manner, at such places, and at such rates as it may from time to time prescribe by notification in the local official Gazette on all timber—

(*a*) which is produced in British India, and in respect of which the Government has any right;

(*b*) which is brought from any place beyond the frontier of British India.

Power to fix value for *ad valorem* duty.

In every case in which such duty is directed to be levied *ad valorem*, the Local Government may, with the like sanction, from time to time fix, by like notification, the value on which such duty shall be assessed.

All duties on timber, which, at the time when this Act comes into force in any territory, are levied therein under the authority of the Local Government, shall be deemed to be and to have been duly levied under the provisions of this Act.

Limit not to apply to purchase-money or royalty.

40. Nothing in this chapter shall be deemed to limit the amount (if any) chargeable as purchase-money or royalty on any timber or other forest-produce, although the same is levied on such timber or produce while in transit, in the same manner as duty is levied.

CHAPTER VIII.

OF THE CONTROL OF TIMBER AND OTHER FOREST-PRODUCE IN TRANSIT.

Power to make rules to regulate

41. The control of all rivers and their banks as regards

regards the floating of timber, as well as the control of all timber and other forest-produce in transit by land or water, is vested in the Local Government, and it may from time to time make rules to regulate the transit of all timber and other forest-produce. transit of forest-produce.

Such rules may (among other matters)—

(*a*) prescribe the routes by which alone timber and other forest-produce may be imported, exported or moved, into, from, or within, British India ;

(*b*) prohibit the import and export or moving of such timber or other produce without a pass from an officer duly authorized to issue the same, or otherwise than in accordance with the conditions of such pass ;

(*c*) provide for the issue, production and return of such passes and for the payment of fees therefor ;

(*d*) provide for the stoppage, reporting examination and marking of timber or other forest-produce in transit, in respect of which there is reason to believe that any money is payable to Government on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or to which it is desirable for the purposes of this Act to affix a mark ;

(*e*) provide for the establishment and regulation of depôts to which such timber or other produce shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed to it ; and the conditions under which such timber or other produce shall be brought to, stored at, and removed from, such depôt ;

(*f*) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest-produce, and the throwing of grass, brushwood, branches and leaves into any such river, or any act which may cause such river to be closed or obstructed ;

(*g*) provide for the prevention and removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same ;

(*h*) prohibit

(*h*) prohibit absolutely or subject to conditions, within specified local limits, the establishment of saw-pits, the converting, cutting, burning, concealing or marking of timber, the altering or effacing of any marks on the same, and the possession or carrying of marking-hammers or other implements used for marking timber;

(*i*) regulate the use of property-marks for timber, and the registration of such marks; prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

Penalty for breach of rules made under section 41.

42. The local Government may by such rules prescribe as penalties for the infringement thereof imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

Double penalties may be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or if the offender has been previously convicted of a like offence.

Government and Forest-officers not liable for damage to forest-produce at depôt.

43. The Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest-produce while at a depôt established under a rule made under section forty-one, or while detained elswhere for the purposes of this Act; and no Forest-officer shall be responsible for any such loss or damage unless he causes such loss or damage negligently, maliciously or fraudulently.

All persons bound to aid in case of accident at depôt.

44. In case of any accident or emergency involving danger to any property at any such depôt, every person employed at such depôt, whether by the Government or by any private person, shall render assistance to any Forest-officer or Police-officer demanding his aid in averting such danger and securing such property from damage or loss.

CHAPTER IX.

CHAPTER IX.

Of the collection of Drift and Stranded Timber.

45. All timber found adrift, beached, stranded or sunk;

all wood or timber bearing marks which have not been registered under section forty-one or on which the marks have been obliterated, altered or defaced by fire or otherwise, and,

in such areas as the Local Government directs, all unmarked wood and timber,

shall be deemed to be the property of Government unless and until any person establishes his right and title thereto, as provided in this chapter.

Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly.

Such timber may be collected by any Forest-officer or other person entitled to collect the same by virtue of any rule made under section fifty-one, and may be brought to such depôts as the Forest-officer may from time to time notify as depôts for the reception of drift-timber.

The Local Government may, by notification in the local official Gazette, exempt any class of timber from the provisions of this section, and withdraw such exemption.

46. Public notice shall from time to time be given by the Forest-officer of timber collected under section forty-five. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than two months from the date of such notice, a written statement of such claim.

Notice to claimants of drift-timber.

47. When any such statement is presented as aforesaid, the Forest-officer may, after making such enquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

Procedure on claim preferred to such timber.

If such timber is claimed by more than one person, the Forest-officer may either deliver the same to any of

of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Courts, and retain the timber pending the receipt of an order from any such Court for its disposal.

On rejection of claim to such timber, claimant may institute suit.

Any person whose claim has been rejected under this section may, within two months from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no persen shall recover any compensation or costs against the Government, or against any Forest-officer, on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.

No such timber shall be subject to process of any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been brought, as provided in this section.

Disposal of unclaimed timber.

48. If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period prescribed by the notice issued under section forty-six, or, on such claim having been so proferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period limited by section forty-seven, the ownership of such timber shall vest in the Government, or when such timber has been delivered to another person under section forty-seven, in such other person, free from all encumbrances.

Government and its officers not liable for damage to such timber.

49. The Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under section forty-five, and no Forest-officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

Payments to be made by claimant before timber is delivered to him.

50. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest officer or other person entitled to receive it such sum on account thereof as may be due under any rule made in pursuance of section fifty-one.

51. The

51. The Local Government may from time to time make rules to regulate the following matters (namely):— Power to make rules and prescribe penalties.

(*a*) the salving, collection and disposal of all timber mentioned in section forty-five;

(*b*) the use and registration of boats used in salving and collecting timber;

(*c*) the amounts to be paid for salving, collecting, moving, storing and disposing of such timber;

(*d*) the use and registration of hammers and other instruments to be used for marking such timber.

The Local Government may from time to time prescribe, as penalties for the infringement of any rules made under this section, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

CHAPTER X.

Penalties and Procedure.

52. When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce, together with all tools, boats, carts and cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer. Seizure of property liable to confiscation.

Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made: Application for confiscation.

Provided that when the forest-produce with respect to which such offence is believed to have been committed is the property of Government and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

53. Upon the receipt of any such report the Magistrate shall, with all convenient despatch, take such measures as may be necessary for the arrest and trial of Procedure thereupon.

the

the offender and the disposal of the property according to law.

Forest-produce, tools, &c., when liable to confiscation.

54. All timber or forest-produce which is not the property of Government and in respect of which a forest-offence has been committed, and all tools, boats, carts and cattle used in committing any forest-offence, shall be liable to confiscation.

Such confiscation may be in addition to any other punishment prescribed for such offence.

Disposal, on conclusion of trial for forest-offence of produce in respect of which it was committed.

55. When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of Government or has been confiscated, be taken charge of by a Forest-officer, and in any other case may be disposed of in such manner as the Court may direct.

Procedure when offender not known, or cannot be found.

56. When the offender is not known, or cannot be found, the Magistrate may, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the Forest-officer, or to be made over to the person whom he deems to be entitled to the same:

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person (if any) claiming any right thereto, and the evidence (if any) which he may produce in support of his claim.

Procedure as to perishable property seized under section 52.

57. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section fifty-two and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

Appeal from orders under sections 54, 55 and 56.

58. The officer who made the seizure under section fifty-two or any of his official superiors, or any person claiming to be interested in the property so seized, may within one month from the date of any order passed under section fifty-four, fifty-five or fifty-six, appeal therefrom to the Court to which orders made

made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

59. When an order for the confiscation of any property has been passed under section fifty-four or fifty-six, as the case may be, and the period limited by section fifty-eight for an appeal from such order has elapsed and no such appeal has been preferred, or when, on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Government free from all incumbrances.

Property when to vest in Government.

60. Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the Local Government from directing at any time the immediate release of any property seized under section fifty-two.

Saving of power to release property seized.

61. Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Punishment for wrongful seizure.

62. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code,—

Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary-marks.

(*a*) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or

(*b*) alters, defaces or obliterates any such mark placed on a tree or on timber by or under the authority of a Forest-officer; or

(*c*) alters, moves, destroys or defaces any boundary mark of any forest or waste-land to which the provisions of this Act are applied,

shall

shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Power to arrest without warrant.

63. Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards.

Every officer making an arrest under this section shall without unnecessary delay take or send the person arrested before the Magistrate having jurisdiction in the case.

Nothing in this section shall be deemed to authorize such arrest for any act which is an offence under chapter IV of this Act, unless such act has been prohibited under section twenty-nine, clause (*c*).

Power to prevent commission of offence.

64. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Power to try offences summarily.

65. The Magistrate of the District and any Magistrate of the first class specially empowered in this behalf by the Local Government, may try summarily, under the Code of Criminal Procedure, any forest-offence punishable only with imprisonment for a term not exceeding six months, or fine not exceeding five hundred rupees, or both.

Operation of other laws not barred.

66 Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under such other law to any higher punishment or penalty than that provided by the rules made under this Act: Provided that no person shall be punished twice for the same offence.

Power to compound offences.

67. The Local Government may from time to time, by notification in the local official Gazette, empower any Forest-officer by name, or as holding an office, to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence

forest-offence other than an offence under section sixty-one or section sixty-two a sum of money by way of compensation for any damage which may have been committed, and to release any property which has been seized as liable to confiscation on payment of the value thereof as estimated by such officer.

On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken under this Act against such person or property; but nothing herein contained shall exempt such person from prosecution on the same facts under any other law for the time being in force.

Presumption that forest-produce belongs to Government.

68. When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

CHAPTER XI.

CATTLE-TRESPASS.

Cattle-trespass Act, 1871, to apply.

69. Cattle trespassing in a reserved forest or in any portion of a protected forest which has been lawfully closed to grazing, shall be deemed to be cattle doing damage to a public plantation within the meaning of the eleventh section of the Cattle-trespass Act, 1871, and may be seized and impounded as such by any Forest-officer or Police-officer.

Power to alter fines fixed by that Act.

70. The local Government may from time to time, by notification in the local official Gazette, direct that, in lieu of the fines fixed by the twelfth section of the Act last aforesaid, there shall be levied for each head of cattle impounded under section sixty-nine of this

this Act, such fines as it thinks fit, but not exceeding the following, that is to say :—

For each elephant	ten rupees.
For each buffalo or camel	two „
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer ...	one rupee.
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid	eight annas.

CHAPTER XII.

Of Forest-officers.

Local Government may invest Forest-officers with certain powers.

71. The Local Government may invest any Forest-officer by name, or as holding an office, with the following powers, that is to say :—

(*a*) power to enter upon any land and to survey, demarcate, and make a map of the same;

(*b*) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;

(*c*) power to issue a search-warrant under the Code of Criminal Procedure;

(*d*) power to hold an enquiry into forest-offences, and, in the course of such enquiry, to receive and record evidence.

Any evidence recorded under clause (*d*) of this section shall be admissible in any subsequent trial before a Magistrate, provided that it has been taken in the presence of the accused person.

Forest-officers deemed public servants.

72. All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Indemnity for acts done in good faith.

73. No suit shall lie against any public servant for anything done by him in good faith under this Act.

Forest-officers not to trade.

74. Except with the permission in writing of the Local Government, no Forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease of any forest or in

in any contract for working any forest, whether in British or Foreign territory.

CHAPTER XIII.

Subsidiary Rules

75. The Local Government may from time to time make rules— **Additional powers to make rules.**

(*a*) to prescribe and limit the powers and duties of any Forest-officer under this Act;

(*b*) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscations under this Act;

(*c*) for the preservation, reproduction and disposal of trees and timber belonging to Government, but grown on lands belonging to or in the occupation of private persons; and

(*d*) generally to carry out the provisions of this Act;

76. Any person breaking any rule under this Act, for the breach of which no special penalty is provided, shall be punished with imprisonment for a term which may extend to one month, or fine which may extend to five hundred rupees, or both. **Penalties for breach of rules.**

77. All rules made by the Local Government under this Act shall be published in the local official Gazette, and shall thereupon, so far as they are consistent with this Act, have the force of law: **Rules when to have force of law.**

Provided that no rule made under section twenty-seven, thirty-one or forty-one shall be so published without the previous sanction of the Governor-General in Council.

CHAPTER XIV.

Miscellaneous.

78. Every person who exercises any right in a reserved or protected forest, or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle in, such forest, and **Persons bound to assist Forest-officer and Police-officers.**

every

every person who is employed by any such person in such forest, and

every person in any village contiguous to such forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information he may possess respecting the commission of, or intention to commit, any forest-offence, and shall assist any Forest-officer or Police-officer demanding his aid

(*a*) in extinguishing any fire occurring in such forest;

(*b*) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest;

(*c*) in preventing the commission in such forest of any forest-offence; and

(*d*) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

Management of forests the joint property of Government and other persons.

79. If the Government and any person be jointly interested in any forest or waste-land, or in the whole or any part of the produce thereof, the Local Government may from time to time either—

(*a*) undertake the management of such forest, waste-land or produce, accounting to such person for his interest in the same; or

(*b*) issue such regulations for the management of the forest, waste-land or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

When the Local Government undertakes, under clause (*a*) of this section, the management of any forest, waste-land or produce, it may from time to time, by notification in the local official Gazette, declare that any of the provisions contained in chapters II and IV of this Act shall apply to such forest, waste-land or produce, and thereupon such provisions shall apply accordingly.

80. If

80. If any person be entitled to a share in the produce of any forest which is the property of Government or over which the Government has proprietary rights, or to any part of the forest-produce of which the Government is entitled, upon the condition of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the Local Government that such service is no longer so performed: Provided that no such share shall be confiscated until the person entitled thereto, and the evidence (if any) which he may produce in proof of the due performance of such service, have been heard by an officer duly appointed in that behalf by the Local Government.

Failure to perform service for which a share in produce of Government forest is enjoyed.

81. All money payable to the Government under this Act, or under any rule made under this Act, or on account of the price of any forest-produce, or of expenses incurred in the execution of this Act in respect of such produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land-revenue.

Recovery of money due to Government.

82. When any such money is payable for or in respect of any forest-produce, the amount threof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest-officer until such amount has been paid.

Lien on forest-produce for such money.

If such amount is not paid when due, the Forest-officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

Power to sell such produce.

The surplus (if any), if not claimed within two months from the date of the sale by the persons entitled thereto, shall be forfeited to Her Majesty.

83. Whenever it appears to the Local Government that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of the Land Acquisition Act, 1870, section four.

Land required under this Act to be deemed to be needed for a public purpose under Land Acquisition Act.

SCHEDULE.

SCHEDULE.

(*See section* 1.)

ENACTMENTS REPEALED.

Number and year of Act or Regulation.	Title.	Extent of repeal.
Act VII of 1865 ...	An Act to give effect to Rules for the management and preservation of Government forests.	So much as has not been repealed.
Act VII of 1869 ...	An Act to give validity to certain rules relating to forests in British Burma.	The whole.
Act XIII of 1873 ...	An Act to amend the law relating to timber floated down the rivers of British Burma.	So much as has not been repealed.
Regulation IX of 1874.	The Arakan Hill District Laws Regulation, 1874.	So far as it relates to Act VII of 1865 and VII of 1869.

E. D'S.—Reg. No. 8377 J—300—27-8-87.

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CHAPTER I.

At page 1, column 1 of the schedule, *substitute** "Extra-Assistant Conservators" *for* "Sub-Assistant Conservators," wherever the latter appears.

* *Vide* Notification No. 2592For., dated 9th July 1892.

RULES MADE BY GOVERNMENT UNDER THE INDIAN FOREST ACT, VII OF 1878,

HAVING FORCE IN THE LOWER PROVINCES

Substitute the following schedule for that published in the notification, dated the 28th July 1879, regarding powers of Forest Officers :—

The 14th October 1890.—In supersession of the notification, dated 28th July 1879, published at page 777 of the *Calcutta Gazette* of 30th idem, the Lieutenant-Governor is pleased to direct, under sections 2 and 75 (*a*) of Act VII of 1878 (the Indian Forest Act), that the officers of the Forest Department in Bengal, mentioned in the first column of the following schedule, shall exercise the powers of "Forest Officers" under the sections of that Act mentioned in the second column of the same, over against each such class of officers respectively :—

Class of offiers empowered.	Section of the Act under which powers are given.	Brief description of nature of powers conferred.
I.—All Deputy Conservators, Assistant Conservators, and Sub-Assistant Conservators, when in charge of Forest Division.	20	Power to publish translation of notification of Reserved forests.
	25	Power to permit prohibited acts in Reserved forests.
	33	Power to permit prohibited acts in Protected forests.
	45	Power to notify depôts for drift timber, &c.
	46	Do. to issue notice to claimants of drift timber, &c.
	47	Do. to decide claims to drift timber, &c.
	50	Do. to receive payments on account of drift timber, &c.
	60	Do. to direct release of property seized.
	67	Do. to compound offences.
	82	Do. to sell forest produce for Government dues.
II.—All Deputy Conservators, Assistant Conservators, Sub-Assistant Conservators, and Rangers in receipt of salaries of at least Rs. 100 per mensem, subordinate to any officer of class I, when specially authorised in that behalf by the Conservator of Forests.	25	Power to permit prohibited acts in Reserved forests.
	33	Power to permit prohibited acts in Protected forests.
	60	Power to direct release of property seized.
	67	Power to compound offences.
III.—All Rangers on salaries of less than Rs. 100 per mensem and Foresters subordinate to any officer of class I, when specially authorised in that behalf by the Conservator of Forests.	25	Power to permit prohibited acts in Reserved forests.
	33	Power to premit prohibited acts in Protected forests.
	60	Power to direct release of property seized.
IV.—All Deputy Conservators, Assistant Conservators, Sub-Assistant Conservators, Rangers, Foresters, and Forest Guards, whether on permanent or temporary establishments.	45	Power of collecting drift timber, &c.
	52	Do. to seize property liable to confiscation.
	55	Do. to take charge of Government or confiscated property.
	56	Do. to accept charge of property when offender is unknown.
	63	Do. to arrest without warrant in certain cases.
	69	Do. to seize and impound cattle trespassing
	82	Do. to take possession of produce under Government lien.

2. The Conservator of Forests is empowered to exercise all or any of the powers conferred on his subordinate officers in the foregoing schedule.

3. The Conservator of Forests is empowered, under section 24 of the Act, with the previous sanction of the Commissioner of the Division, to stop ways and watercourses in Reserved forests subject to the provisions of [illegible]on.

[VI—2—April 1891.]

2. The Conservator of Forests is empowered to exercise all or any of the powers conferred on his subordinate officers in the foregoing schedule.

3. The Conservator of Forests is empowered under section 24 of the Act, with the previous sanction of the Commissioner of the Division, to stop ways and watercourses in reserved forests subject to the provisions of that section.

*(*b*).—*Grant of rewards (section* 75(*b*))

All non-gazetted Government officers and persons not in the employ of Government are eligible for rewards under these rules.

2. Any Magistrate convicting an offender of any forest offence, or directing the confiscation of any property under section 56 of the Act, may grant, in such proportion as he thinks fit, to any person or persons who have contributed to the seizure of the property or the conviction of the offender, a reward not exceeding the value of the property confiscated, plus the amount of any fine imposed.

3. The forest officer prosecuting the case may, if no reward is granted by the Magistrate, apply to the Magistrate for orders regarding the distribution of fines and the value of forfeitures. In the event of the Magistrate's refusal, reference may be made by the Conservator of Forests to the Local Government.

4. Rewards granted under these rules shall be disbursed at once, if they are less than Rs. 100. If they are over Rs. 100, that sum only will be disbursed at once, and the rest after the period of appeal has expired, or the appeal has been rejected. In the event of the conviction being reversed on appeal, the amount paid in rewards shall not be recovered from the persons to whom it has been paid, unless it shall appear that they have acted fraudulently.

5. In cases where, under section 67 of the Indian Forest Act, a forest officer has accepted a sum of money as compensation for any damage which has been committed, the Conservator of Forests may authorize the payment of a portion of the amount realized as a reward to any person who may have contributed to the discovery of the offender.

CHAPTER II.

RULES FOR RESERVED FORESTS.

Rules applicable to all Reserved forests in Bengal.

† (*a*).—*Hunting, shooting, and fishing (section* 25(*i*))

Rule I.—No person shall, unless it be necessary in defence of the life or limb of himself or some other, kill or wound any elephant, or catch or attempt to catch elephants in any part of a reserved forest.

Rule II.—No persons shall set snares or traps or poison water in any reserved forest.

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* *Vide* Notification dated the 23rd October 1880.

† *Vide* Notifications dated the 28th July 1879 and 23rd October 1880.

CHAPTER I, PAGE 2.

Substitute the following for Rules 2 and 3 of the Rules made by Government under section 75 (*b*) of the Indian Forest Act (VII of 1878) :—

The 23rd September 1889.—"The Magistrate or the Court imposing the fine is bound to inform the Divisional Forest Officer, or the Sub-divisional Forest Officer not being below the rank of an Assistant Conservator of Forests, of the levy of the fine, and the whole or any part of the fine, when realized, may be distributed in such proportions as that officer may think fit among the persons instrumental in the detection of the offence, the seizure of the articles, or the capture of the offender. Besides the amount of the fine, the said persons shall also be entitled to share the whole or part of proceeds of the sale of the confiscated articles. The Forest Officer aforesaid may also, out of the fine realized, award compensation to any person subjected to annoyance or injury in connection with the proceedings in which the fine was imposed."

[IV, 5—November 1889.]

CHAPTER II, PAGES 2 & 3.

Substitute the following for the notification of the 7th June 1888:—

The 7th August 1888.—In supersession of the notification, dated the 7th June 1888, published in the *Calcutta Gazette* of the 12th idem, the Lieutenant-Governor is pleased hereby to promulgate the following rules, under section 25 (*i*) of Act VII of 1878 (the Indian Forest Act), regarding hunting, shooting and setting snares or traps, which are applicable to all areas in the Lower Provinces of Bengal that have been, or may hereafter be, declared reservedforests under the said Act:—

1. No person shall in such reserved forests, unless it be necessary in defence of the life or limb of himself or some other, kill or wound any elephant, or catch or attempt to catch elephants.
2. No person shall in such reserved forest set snares or traps.
3. Nothing in the above rules shall be deemed to prohibit any act done with the permission in writing of the Conservator of Forests or of the Local Government.
4. Between the 1st April and the 30th September, both days inclusive, in each year the killing of the following animals and birds is prohibited:—

Deer and antelope.	Hill and sand grouse.
Hare.	Peafowl.
Pheasant.	Florican.
Partridge.	Jungle fowl.

Also spur fowl, all ducks that breed in the country, grey duck, comb duck, pink-headed duck, large and small whistling teal, and cotton teal.

[II, 2—November 1888.]

* *Rule III.*—The forest officer may, with the sanction of the Local Government, close any reserved forest or any part of such forest, against hunting, shooting, or fishing.

Rule IV.—Nothing in Rules I to III shall be deemed to prohibit any act done with the permission in writing of the forest officer or of the Local Government.

CHAPTER III.

RULES FOR PROTECTED FORESTS.

SUNDERBUNS PROTECTED FORESTS.

* (*a*).—*Cultivation (section* 29 (*c*) *).*

On and from the 14th day of January 1880, the breaking up or clearing for cultivation or for any other purpose of any land in the protected forest of the Sunderbuns by any persons except persons to whom a written lease of such land has been granted by or under the authority of the Government, is prohibited.

† (*b*).—*Rules for the Sunderbuns Protected Forests (sections* 31 *and* 41*).*

[See also Chapter IV of this compilation.]

Rule 1.—No trees, timber, or any other forest produce shall be cut, sawn, gathered or removed from within the boundaries of the Sunderbuns Protected forests without prepayment in full of the charges due thereon at the rates following:—

(1). Sundri, pussur, and amoor timber in pieces measuring 8 feet and upwards in length *or* 3 feet 9 inches and upwards in girth at the thick end, for every maund one anna.

(2). Sundri firewood, for every maund one-half anna.

(3). Any other forest produce, except honey and wax, for every maund one-quarter anna.

(4). The right to collect honey and wax, for each man per month one rupee eight annas.

These, or such other charges as may from time to time be fixed under this rule, will also be levied on timber and other forest produce which may be exported from lands leased under the rules for the lease of waste lands in the Sunderbuns.

Rule II.—Any person desiring to enter the Sunderbuns protected forests for the purpose of cutting, sawing, converting, gathering, or removing trees, timber or other forest produce, shall take out a permit or license for the produce which he proposes to remove. The said permit shall be in the form hereto annexed, and shall be subject to the conditions printed on the back thereof; it shall be granted by the officer in charge of the Sunderbuns Forest Division, or by any of his

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* Notifications under this rule are published annually for certain forests, forbidding the acts named during the dry season.

* Notification dated 13th January 1880.

† *Vid* Notifications, dated the 5th May 1885 and 9th March 1886.

subordinates duly authorized to issue permits, on prepayment only of the prescribed charges.

Rule III.—Permits or licenses for the cutting, sawing, converting, gathering or removal of any forest produce within the boundaries of the Sunderbuns protected forests can be obtained from the officers in charge of revenue stations, a list of which will be notified from time to time in the *Calcutta Gazette.*

Rule IV.—Any forest produce in transit within, or passing out of, the Sunderbuns protected forests, and any such produce found in any water-channel skirting or leading from the said forests, when there is reason to believe that anything is payable to the Government in respect of such produce, may be stopped and examined by any forest or police officer.

The following is a list of the revenue stations referred to in Rule III of the above rules:—

No.	Name.	Situation.
1.	Mud Point	Junction of Dhanee khal and Mooree Gunga river.
2.	Shikarpur	Junction of the Shikarpur khal and Mooree Gunga river.
3.	Nalkora	Junction of the Raidiggee and Moonee khals.
4.	Meeragunj	Junction of the Jhamar and Baskee khals.
5.	Basrah	On the Bidyadharee river, near Bansra Railway station.
6.	Samukputha	Junction of Tolly's nala and Bidyadharee river.
7.	Bamanghatta	Left bank of Bangor Katta khal.
8.	Mutla	Near Canning Railway station on Mutla river.
9.	Rampura	Junction of Gotyahara gang and Borokalgatchya river.
10.	Sahibkhali	Junction of Canay Kuttee khal and Roymungul river.
11.	Bussuntpur	Junction of Khalindee nadi and Jaboona river.
12.	Halderkhali	Junction of Halder khal and Manda river.
13.	Boorigoalni	Junction of Chuar gang and Golputtoo river.
14.	Cobaduk	Left bank of Cobaduk river above its junction with Golputtoo river.
15.	Cassee Abad	Junction of Hoogla khal and Shakbaria river.
16.	Baniakhali	Junction of Bania, Hodda and Mysaleer khals.
17.	Dhakee	Junction of Dhakee and Sheepsah rivers.
18.	Bhitabhanga Dacope ...	Right bank of Bhudder river, about two miles below junction of Choonkooree khal.
19.	Khoolna ...	Junction of Bhyrub and Pussur rivers.
20.	Aruamongla Shilla ...	Junction of Mungla nadi and Pussur river.
21.	Chandpie	Junction of the Chilla Chandpie and Khurma nadis.
22.	Phoolhatta Jewdhara ...	Junction of Phoolhatta khal and Bhola river.
23.	Suputi	Junction of the Suputi or Boroborni river with the Puncassea or Dhumar river, the junction being locally known as the Satmahona.*

* Notification dated 25th April 1887.

পাস নং (৩)
নং (বি)

নিশ্চিত হইল যে

নাম
বাসস্থান
যাহাকে
সন ১৮৮ সালের তারিখে উপরোক্ত সংখ্যার পাস দেওয়া হইয়াছিল তাহা আমি ফেরত পাইলাম এবং উক্ত ব্যক্তিকে নিম্নলিখিত কাষ্ঠের এবং অন্যান্য উৎপন্নের সমস্ত মূল্য বুঝিয়া পাইয়া লইয়া যাইতে অনুমতি দেওয়া গেল।

কাষ্ঠ এবং অন্যান্য উৎপন্নের বিবরণ।	সংখ্যা ও ওজন	মূল্য শোধ।	

তারিখ

ফরেষ্টার।
বিভাগ।

REVERSE OF PERMIT OR LICENSE REFERRED TO IN THE ABOVE RULES.

Conditions on which this permit has been issued, and on which payment has been accepted.

1. No produce of any kind, except that named in this permit, shall be cut, damaged or removed, and this permit is valid only for the forest or block, period of time, and number or quantity of the particular produce named in it, and it holds good for one trip only into and from the forests of the boat or boats for which it is issued: if this condition is violated, this permit becomes null and void.
2. It shall always be kept ready for inspection in the hands of the person or persons exercising the permission it grants.
3. The holder shall always produce it when called upon to do so by any Forest or Police Officer.
4. He shall return it to the office of issue or to a corresponding office of the same Forest Division before the expiry of the term for which it is issued.
5. On returning it, the certificate attached will be filled in and made over to the holder as an acknowledgment that he has paid the full amount due on the timber or produce removed under this permit.
6. The fact of holding this permit without the certificate attached having been filled in and signed by a Forest Ranger or Forester does not give the holder permission to proceed with any timber or forest produce past any authorized forest or revenue station; should he do so without holding the certificate filled in and signed by a Forest Ranger or Forester, this permit becomes null and void, and in that case he renders himself liable to the punishments prescribed by the sections applicable under the Forest Act for removing timber and produce without permission, which may extend to imprisonment for six months, or to a fine of Rs. 500, or both, in addition to the confiscation of all timber or forest produce removed and of all tools, boats, carts, and cattle used in removing it.

This is to certify that I have fully explained the above conditions to the holder of this permit, in acknowledgment of which fact we ascribe our signatures at the time of its issue, both on this permit and on its counterfoil.

Permit-holder. *Forester.*

পাস বাহির করণ এবং তজ্জন্য অর্থ গ্রহণের নিয়মাবলী।

১। এই পাসের লিখিত উৎপন্ন ব্যতিরেকে অন্য কোন প্রকার উৎপন্ন ছেদন, হানি বা স্থানান্তর করিতে দেওয়া হইবেক না এবং ইহা কেবল বিশেষ বিবরিত নির্দ্দিষ্ট জঙ্গল, সময়, উৎপন্ন, সংখ্যা এবং ওজনের ব্যবহৃত হইবেক ঐ পাস যে নৌকা বা নৌকা সমূহের জন্য দেওয়া হইয়াছে তাহারা এক ক্ষেপ যাতায়াতের জন্য এই নিয়মের অন্যথা করিলে পাস বাতিল ও না মঞ্জুর হইবে।

২। অনুমতি প্রাপ্তব্যক্তি কিম্বা ব্যক্তিগণকে এই পাস আবশ্যকমতে দেখাইবার-জন্য সর্ব্বদা প্রস্তুত রাখিতে হইবেক।

৩। এই পাস পুলিস কিম্বা জঙ্গল বিভাগের কর্ম্মচারিগণ মেয়াদ মধ্যে যে কোন সময়ে হউক না কেন দেখিতে চাহিলে ঐ পাস প্রাপ্ত ব্যক্তির বিনা আপত্তিতে তৎক্ষণাৎ ইহা উক্ত কর্ম্মচারিদিগকে দেখাইতে হইবে।

৪। পাসপ্রাপ্ত ব্যক্তিকে ইহা পাইবার দপ্তরে কিম্বা তৎসম্বন্ধীয় জঙ্গল বিভাগের অন্য দপ্তরে মেয়াদ গত হইবার পূর্ব্বে ফেরত দিতে হইবে।

৫। পাস ফেরত করিলে, সংলগ্ন নিদর্শনপত্র পূর্ণ করিয়া পাস প্রাপ্ত ব্যক্তিকে প্রত্যর্পণ করা যাইবে তাহার কারণ ঐ নিদর্শনপত্র হইতে জ্ঞাত হওয়া যাইবে যে পাসপ্রাপ্ত ব্যক্তি কাষ্ঠের বা উৎপন্নের বাকী মূল্য শোধ করিয়া দিয়াছে।

৬। রেঞ্জার কিম্বা ফরেষ্টার দ্বারা অত্র পাসের সংলগ্ন নিদর্শনপত্র পূর্ণ এবং স্বাক্ষর ব্যতিরেকে পাসপ্রাপ্ত ব্যক্তির কোন ক্ষমতা প্রাপ্তজঙ্গলে অবস্থিত স্থান বা কর ঘাটায় কাষ্ঠ কিম্বা কোন উৎপন্ন লইয়া যাইবার অনুমতি কিম্বা ক্ষমতা নাই, যদ্যপি উক্ত ব্যক্তি নিদর্শনপত্র উপরোক্ত কর্ম্মচারিগণের দ্বারা পূর্ণিত এবং স্বাক্ষরিত না করিয়া লয় তাহা হইলে উক্ত পাস বাতিল ও নামঞ্জুর হইবে এই মর্ম্মে কোন বিপক্ষতাচরণ ও বিনা অনুমতিতে কাষ্ঠ এবং অন্যান্য উৎপন্ন লইয়া যাওয়ার অপরাধ বলিয়া গণ্য হইবে এবং জঙ্গল বিভাগের আইন অনুসারে উক্ত ব্যক্তিকে সাজা দেওয়া হইবেক ঐ সাজা ৬ মাস পর্য্যন্ত কারাবাস কিম্বা ৫০০৲ টাকা অর্থদণ্ড অথবা উভয় দণ্ড হইতে পারে এবং উঠাইয়া লইয়া কাষ্ঠ ও উৎপন্ন, হাতিয়ার, নৌকা, গাড়ি, গরু উৎপন্ন উঠাইয়া লইয়া সমস্ত দ্রব্যাদি সরকার দ্বারা বাজেয়াপ্ত হইবে।

এতদ্দ্বারা প্রকাশ কিম্বা জ্ঞাত করা যায় যে আমি পাস প্রাপ্ত ব্যক্তিকে উপরোক্ত নিয়ম সকল সম্পূর্ণরূপে বুঝাইয়া দিয়াছি, ইহাতে উভয়ে সম্মিলিত এবং স্বীকৃত হইয়া পাস এবং তাহার অন্য খণ্ড বাহির হইবার সময় পরস্পর উভয় খণ্ডে রীতি অনুসারে স্বাক্ষর করিলাম।

পাস গ্রাহকের স্বাক্ষর। ফরেষ্টারের স্বাক্ষর।

Conditions on which this permit has been issued, and on which payment has been accepted.

1. No produce of any kind, except that named in this permit, shall be cut, damaged or removed, and this permit is valid only for the forest or block, period of time, and number or quantity of the particular produce named in it, and it holds good for one trip only into and from the forests of the boat or boats for which it is issued: if this condition is violated, this permit becomes null and void.
2. It shall always be kept ready for inspection in the hands of the person exercising the permission it grants.
3. The holder shall always produce it when called upon to do so by any Forest or Police Officer.
4. He shall return it to the office of issue or to a corresponding office of the same Forest Division before the expiry of the term for which it is issued.
5. On returning it, the certificate attached will be filled in and made over to the holder as an acknowledgment that he has paid the full amount due on the timber or produce removed under this permit.
6. The fact of holding this permit without the certificate attached having been filled in and signed by a Forest Ranger or Forester does not give the holder permission to proceed with any timber or forest produce past any authorized forest or revenue station; should he do so without holding the certificate filled in and signed by a Forest Ranger or Forester, this permit becomes null and void, and in that case he renders himself liable to the punishments prescribed by the sections applicable under the Forest Act for removing timber and produce without permission, which may extend to imprisonment for six months, or to a fine of Rs. 500, or both, in addition to the confiscation of all timber or forest produce removed and of all tools, boats, carts, and cattle used in removing it.

THIS is to certify that I have fully explained the above conditions to the holder of this permit, in acknowledgment of which fact we ascribe our signatures at the time of its issue, both on this permit and on its counterfoil.

Permit-holder. *Forester.*

পাস বাহির করণ এবং তজ্জন্য অর্থ গ্রহণের নিয়মাবলী।

১। এই পাসের লিখিত উৎপন্ন ব্যতিরেকে অন্য কোন প্রকার উৎপন্ন ছেদন, হানি বা স্থানান্তর করিতে দেওয়া হইবেক না এবং ইহা কেবল বিশেষ বিবরিত নির্দ্দিষ্ট জঙ্গল, সময়, উৎপন্ন, সংখ্যা এবং ওজনের ব্যবহৃত হইবেক ঐ পাস যে নৌকা বা নৌকা সমূহের জন্য দেওয়া হইয়াছে তাহারা এক ক্ষেপ যাতায়াতের জন্য এই নিয়মের অন্যথা করিলে পাস বাতিল ও নামঞ্জুর হইবে।

২। অনুমতিপ্রাপ্ত ব্যক্তি কিম্বা ব্যক্তিগণকে এই পাস আবশ্যকমতে দেখাইবার-জন্য সর্ব্বদা প্রস্তুত রাখিতে হইবেক।

৩। এই পাস পুলিস কিম্বা জঙ্গল বিভাগের কর্ম্মচারিগণ মেয়াদ মধ্যে যে কোন সময়ে হউক না কেন দেখিতে চাহিলে ঐ পাস প্রাপ্ত ব্যক্তির বিনা আপত্তিতে তৎক্ষণাৎ ইহা উক্ত কর্ম্মচারিদিগকে দেখাইতে হইবে।

৪। পাস প্রাপ্ত ব্যক্তিকে ইহা পাইবার দপ্তরে কিম্বা তৎসম্বন্ধীয় জঙ্গল বিভাগের অন্য দপ্তরে মেয়াদ গত হইবার পূর্ব্বে ফেরত দিতে হইবেক।

৫। পাস ফেরত করিলে, সংলগ্ন নিদর্শনপত্র পূর্ণ করিয়া পাস প্রাপ্ত ব্যক্তিকে প্রত্যর্পণ করা যাইবে তাহার কারণ ঐ নিদর্শনপত্র হইতে জ্ঞাত হওয়া যাইবে যে পাস প্রাপ্ত ব্যক্তি কাষ্ঠের বা উৎপন্নের বাকী মূল্য শোধ করিয়া দিয়াছে।

৬। রেঞ্জার কিম্বা ফরেষ্টার দ্বারায় অত্র পাসের সংলগ্ন নিদর্শনপত্র পূর্ণ এবং স্বাক্ষর ব্যতিরেকে পাস প্রাপ্ত ব্যক্তির কোন ক্ষমতা প্রাপ্ত জঙ্গল অবস্থিত স্থান বা কর ঘাটায় কাষ্ঠ কিম্বা কোন উৎপন্ন লইয়া যাইবার অনুমতি কিম্বা ক্ষমতা নাই, যদ্যপি উক্ত ব্যক্তি নিদর্শনপত্র উপরোক্ত কর্ম্মচারিগণের দ্বারা পূর্ণিত এবং স্বাক্ষরিত না করিয়া লয় তাহা হইলে উক্ত পাস বাতিল ও নামঞ্জুর হইবে, এই মর্ম্মে কোন বিপক্ষতাচরণ ও বিনা অনুমতিতে কাষ্ঠ এবং অন্যান্য উৎপন্ন লইয়া যাওয়ার অপরাধ বলিয়া গণ্য হইবে এবং জঙ্গল বিভাগের আইন অনুসারে উক্ত ব্যক্তিকে সাজা দেওয়া হইবেক ঐ সাজা ৬ মাস পর্য্যন্ত কারাবাস কিম্বা ৫০০৲ টাকা অর্থদণ্ড অথবা উভয় দণ্ড হইতে পারে এবং উঠাইয়া লইয়া কাষ্ঠ ও উৎপন্ন, হাতিয়ার, নৌকা, গাড়ি, গরু উৎপন্ন উঠাইয়া লইয়া সমস্ত দ্রব্যাদি সরকার দ্বারা বাজেয়াপ্ত হইবে।

এতদ্দ্বারা প্রকাশ কিম্বা জ্ঞাত করা যায় যে আমি পাস প্রাপ্ত ব্যক্তিকে উপরোক্ত নিয়ম সকল সম্পূর্ণরূপে বুঝাইয়া দিয়াছি, ইহাতে উভয়ে সম্মিলিত এবং স্বীকৃত হইয়া পাস এবং তাহার অন্য খণ্ড বাহির হইবার সময় পরস্পর উভয় খণ্ডে রীতি অনুসারে স্বাক্ষর করিলাম।

পাস গ্রাহকের স্বাক্ষর। ফরেষ্টারের স্বাক্ষর।

Khoorda Protected Forests.

*(c).— *Reservation of trees in the Khoorda Forests (section 29(a)).*

The trees named below are declared to be reserved trees in the Khoorda Forests with effect from the 24th March 1886 :—

1.	Sal or Salwa	...	...	*Shorea robusta.*
2.	Piasal	...	...	*Pterocarpus Marsupium.*
3.	Sissu	...	...	*Dalbergia latifolia.*
4.	Kendhu	...	...	*Diospyros Melanoxylon.*
5.	Karam	...	...	*Adina cordifolia.*
6.	Suam	...	...	*Soymida febrifuga.*
7.	Gambhari	...	...	*Gmelina arborea.*
8.	Tinia	...	...	*Albizzia Lebbek* and *procera.*
9.	Kongora	...	...	*Xylia dolabriformis.*
10.	Asan	...	...	*Terminalia tomentosa.*
11.	Kasi	...	...	*Briedelia retusa.*
12.	Nim	...	...	*Melia indica.*
13.	Mahanim	...	...	*Ailanthus excelsa.*
14.	Teak	...	...	*Tectona grandis.*
15.	Chhuriana	...	...	*Ochrocarpus longifolius.*
16.	Poonang	...	...	*Calophyllum inophyllum.*
17.	Bheru	...	...	*Chloroxylon Swietenia.*
18.	Kusum	...	...	*Schleichera trijuga.*
19.	Koronj	...	...	*Pongamia glabra.*
20.	Sonari	...	...	*Cassia fistula.*
21.	Dhan	...	...	*Anogeissus latifolia.*
22.	Jam	...	...	*Eugenia Jambolana.*
23.	Mohul	...	...	*Bassia latifolia.*
24.	Bandan	...	...	*Ougeinia dalbergioides.*
25.	Kuchila	...	...	*Strychnos Nux-vomica.*
26.	Gundi	...	...	*Mallotus phillippinensis.*
27.	Mango	...	...	*Mangifera indica.*
28.	Jack (Panasa)	...	...	*Artocarpus integrifolia.*
29.	Tamarind (Tentuli)		...	*Tamarindus indica.*
30.	Bel	...	...	*Ægle Marmelos.*

* *(d).—Cultivation, &c. (section 29 (c)).*

The following acts are prohibited in the Khoorda protected forests without the written permission of the officers of the Forest Department, duly authorized in that behalf by the Conservator of Forests acting under the powers conferred on him in the Notification dated the 28th July 1879 (published at page 777 of the *Calcutta Gazette* of 30th idem), granted in accordance with the rules in force for the time being that may have been passed under section 31 of the said Act, that is to say—

the quarrying of stone;
the burning of lime or charcoal;
the collection or subjection to any manufacturing process, or removal of any forest produce;
and the breaking up or clearing for building, for herding cattle, or for any other purpose of any land.

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* Notifications dated the 24th March 1886.

Provided that permission may be given in writing by the Collector of Pooree or other officer in charge of the Khoorda estate with the sanction of the Commissioner of the Division to the breaking up or clearing of land in the said protected forests for the purpose of (1) permanent cultivation, and the necessary buildings of the cultivators; (2) the excavation of tanks; (3) the construction of roads and irrigation channels for the improvement of the estates; (4) the planting of fruit trees; (5) *toila* cultivation under the restrictions contained in the rules approved in the Bengal Government Resolution dated the 23rd July 1880; and (6) generally for all purposes appropriate or incidental to cultivation.

* (*e*).—*Rules for Khoorda Protected Forests* (*sections* 31 *and* 41).

Any person infringing any one of the following rules is liable, under section 32 of the Indian Forest Act, to be punished with imprisonment for a term which may extend to six months, or with fine which may extend to Rs. 500, or with both.

Licenses to remove forest produce and to graze animals.

I.—No person shall, without a license, cut, convert or remove from these forests any firewood, brushwood, thatching and fodder-grass, thorns or bamboos or other forest produce as named in the annexed schedule of rates, or shall graze any animals in the forests.

II.—Every license issued for the purposes stated in Rule I shall specify—

(*a*) The name and description of the person in whose favour it is granted.
(*b*) The forest block or locality in which the permission it grants may alone be exercised.
(*c*) The description and quantity of produce or grazing for which the permission is granted.
(*d*) The period for which the permission is granted.
(*e*) The rates and amount to be paid by the license-holder.
(*f*) Any special precaution required to be observed by the license-holder.

III.—Licenses will be issued by the officer in charge of the Khoorda forests, or by Forest officers in charge of ranges, on prepayment of the rates specified in the tariff below. A copy of the tariff will be given by these officers on application.

IV.—Licenses will not be granted in excess of the capabilities of the forests.

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* *Vide* Notification dated 24th March 1886.

V.—The rates named in the tariff below are subject to any modifications in favour of the ryots of the Government estate of Khoorda which the Lieutenant-Governor may from time to time by executive order direct.

VI.—The holder of a license issued under the above rules shall produce it for inspection when called on to do so by any forest or police officer, and any such officer may stop for examination any timber or other forest produce found within or passing out of the protected forests. Licenses shall be returned to the office of issue on the expiration of the term for which they are granted.

Fires.

VII.—No person (whether resident or traveller) shall kindle, keep, or carry any fire within a Protected Forest, except in such localities, at such seasons, and under such precautions as the Forest Officer may from time to time notify in this respect. No person shall kindle any fire outside a Protected Forest, which is liable to spread into such forest on account of dry grass and jungle-growth extending to the forest, or for any other reason, without taking all necessary precautions to prevent the fire from thus spreading.

VIII.—If any person, holding a license under the above rules, offends against these rules in so far as they relate to the protection of forests from fire, he shall, if the Forest Officer so direct, forfeit such license for the year, and all timber or other forest produce owned by such offender that has not at the time been removed outside the boundary of the forests may, at the discretion of the Forest Officer, be confiscated, in addition to any penalty which the offender may incur under section 32 of the Indian Forest Act.

Schedule of Rates.

IX.—With reference to the above rules, the Lieutenant-Governor is pleased to prescribe the following rates of royalty to be paid on trees and other forest produce cut, collected, removed or consumed in or from the Khoorda protected forests under licenses issued under the said rules till further notice :—

		Rs.	A.	P.
(1).	Trees reserved under section 29 (*a*) of the Act, per tree	10	0	0
	Or the timber it contains, per cubic foot ...	0	4	0
(2).	Other trees, per tree	5	0	0
	Or the timber it contains, per cubic foot ...	0	2	0
(3).	Dead or fallen timber of reserved trees, per cubic foot	0	3	0
(4).	Dead or fallen timber of other trees, per cubic foot	0	1	6
(5).	Firewood, of kinds of wood noted in the license, per cart-load	0	6	0
	Or per coolie load	0	0	6
(6).	Charcoal, per cart-load	2	0	0
	Or per maund	0	4	0

		Rs.	A.	P.
(7).	Bamboos, whole, per cart-load	0	3	0
	Or split, per cart-load	0	6	0
(8).	Canes, per cart-load	2	0	0
(9).	Achu (*Merinda excerta*), per cart-load	2	0	0
(10).	Osta bark (bark of *Entada scandens*), per cart-load	3	0	0
(11).	Kamala gundi powder (produce of fruit of *Mallotus phillipinensis*), per cart-load	5	0	0
(12).	Kuchilla seeds, harra, bahara, and karonj fruits, per cart-load	0	8	0
(13).	Fruits not otherwise specified, *ad valorem* 10 per cent.	.....		
(14).	Stone, laterite, granite, sandstone, gneiss, &c., per 100 cubic feet	0	8	0
(15).	Lime-ghooting, per 100 cubic feet	1	0	0
(16).	Clay (white and red), per 100 cubic feet ...	1	0	0
(17).	Grazing buffalos and goats, each per month ...	0	3	0
(18).	Ditto bullocks, cows, ponies, and donkeys, each per month	0	2	0
(19).	Grazing sheep, each per month	0	1	0
(20).	Fees—renewal—on licenses issued for items Nos. (1) to (16), renewal not to exceed one-fourth of original period, 25 per cent. on original rates.			

**(f).—Order by His Honour the Lieutenant-Governor, issued with reference to Rule IV of the Khoorda Protected Forest Rules.*

Until further orders—

Every occupier of a house within the Government estate of Khoorda will be permitted on prepayment of an annual fee of 4 annas to remove without further charge such firewood, brushwood, thatching and fodder grass, thorns for fencing, canes and bamboos as may be required for his own domestic use, but not for sale, and also (subject to the under-mentioned proviso) to graze all animals, of which he is the *bonâ fide* owner, on taking out annually a license, which shall specify the forest block or the locality in which the permission it grants may alone be exercised. The license shall ordinarily run from 1st April to 31st March in the following year; but it may be for any shorter period terminating on 31st March. Such a license shall always run, however, to the date of payment of the first *kist* of the land revenue in the succeeding year, if that be later than 1st April. Provided that, under this rule, householders shall not be entitled to graze buffaloes or goats except in localities approved of and allotted by the forest officers.

The annual licenses above named will be issued by the Forest Department either directly through its officers or through the Tehsildar of Khoorda. When such licenses are issued through the Tehsildar of Khoorda, prepayment made through the Tehsildar at the time when ryots of the estate pay the first *kist* on account of land revenue for the year shall be held to be prepayment for the said license.

* Notification dated 24th March 1886.

Free licenses will be granted for the quarrying and removal of stones required by ryots of the Khoorda estate for *bonâ fide* building purposes, or other works of improvement within the estate only, on written application to the officer in charge of the Orissa Forest Division, or his duly authorized assistant in charge of the Khoorda Forest Sub-division.

CHAPTER IV.

RULES FOR THE CONTROL OF TIMBER AND OTHER FOREST PRODUCE IN TRANSIT.

SUNDERBUNS RESERVED AND PROTECTED FORESTS.

[See also Chapter III of this compilation.]

* *(a).—Transport of timber (section 41).*

The following rule will take effect in respect of the tracts in the Sunderbuns that have been or may hereafter be declared reserved and protected forests under the said Act:—

Any person who desires to transport any forest produce through the Sunderbuns forests, or through any part of them, or along any of the water-channels intersecting or skirting them, shall take out a pass at one of the revenue stations, a list of which will be published from time to time in the *Calcutta Gazette*; and he shall further produce such pass when called upon to do so by any forest or police officer, and return such pass at any one of the said stations on passing out of the boundary of the forest. The fee, if any, payable for such passes will from time to time be fixed by the Conservator of Forests and notified in the *Calcutta Gazette*. The following is a list of the revenue stations actually open:—

1. Mud Point.
2. Shikarpur.
3. Nalkora.
4. Meeragunj.
5. Basrah.
6. Samukputha.
7. Bamanghatta.
8. Mutlah.
9. Rampura.
10. Sahibkhali.
11. Busuntpur.
12. Halderkhali.
13. Boorigoalni.
14. Cobaduk.
15. Cassee Abad.
16. Baniakhali.
17. Dhaki.
18. Bhitabhanga. Dacope
19. Khoolna.
20. Aruamongla. Shella
21. Chandpie.
22. Phoolhatta. Sewdhara
23. Suputi.†

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* *Vide* Notification dated 10th August 1886.
† Notification dated 25th April 1887.

The 10thMay 1887.—The following rule, made by the Lieutenant-Governor under the provisions of section 41 (*d*) of the Indian Forest Act (VII of 1878), having received the sanction of the Governor-General in Council, is hereby published, in continuation of notification, dated the 10th August 1886, published at page 917, Part I of the *Calcutta Gazette* of the 11th idem, for general information:—

Any timber or other forest produce in transit within or passing out of the Sunderbuns reserved forests, when there is reason to believe that anything is payable to Government in respect of such timber or forest produce, may be stopped and examined, by measurement if necessary, by any forest or police officer.

* (*b*).—*Registration of property-marks used in transporting timber (section* 41 (*i*)).

I.—All persons transporting timber through any portion of the reserved or protected forests of the Sunderbuns shall annually register their property-marks in the office of the Divisional Forest Officer. Such marks shall consist of a device to be approved by the Divisional Forest Officer, and a certificate of registration, showing the device registered, shall be given to each person who registers his property-mark. Copies of the certificate shall be forwarded to the officers in charge of the several revenue stations, as well as to the Conservator of Forests.

II.—The registration fee payable for each property-mark shall be Rs. 2 for a first registration and annas 8 for each subsequent annual renewal; provided—

(1) That the lower rate (annas 8) only will be payable under this rule by persons who hold certificates of registration under the Rules of the 16th February 1871, passed under Act VII of 1865, and who renew them within twelve months of the date of their last renewal;

(2) That should more than twelve months elapse in any case from the date of first registration under these rules, or from the date of any renewal, the full fee payable on first registration (Rs. 2) shall be levied for the subsequent registration of each property-mark; and

(3) That the Divisional Forest Officer may refuse to register more than one property-mark for any one person, should he consider it desirable to do so.

Khoorda Protected Forests.

For rules for the control of forest produce in transit in the Khoorda Protected Forests—*see* Chapter III of this compilation.

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* *Vide* Notification dated 12th October 1885.

Chittagong Hill Tracts Reserved and District Forests.

* (c).—*Transport of timber (section 41).*

I. Interpretation clause.—All words used in these rules, and defined in Act VII of 1878 (the Indian Forest Act, 1878), shall be deemed to have the meanings respectively attributed to them by the said Act.

II. Stoppage of produce for examination and for the payment of dues at revenue stations.—All timber or forest produce which is brought down by the rivers passing out of the Chittagong Hill Tracts shall be liable to stoppage for examination and for the payment of the amounts, if any, due to Government thereon at the revenue stations established on the following rivers, viz :—

Fenny, Droong, Haldah, Kalapaneea, Surtah, Ishamati, Karnafuli, Sylock, Sungoo, Dolu, Hangar, Tankawati, Matamori, Eadgong, Bagkhali, Rezu, Sialbukka, Roaja's Hât, Fatikcherry, or at such other places as the Lieutenant-Governor shall from time to time, by notification in the *Calcutta Gazette*, prescribe.

All timber and forest produce shall be liable to stoppage by any officer especially authorized in this behalf by the Conservator of Forests for examination below the revenue stations established under these rules; and if the forest produce be found to be in excess of, or different in kind from, that specified in the pass granted by the forest officer in charge of the revenue station, the examining officer shall seize the same and report the case at once to the Divisional Forest Officer.

The holder of a pass shall be bound to produce it at any point on the river *below* the authorized revenue stations when called upon to do so by any forest officer especially authorized in this behalf by the Conservator of Forests, failing which the forest produce will be detained, pending the production of the pass.

III. Removal and passing of produce taken from the reserved forests.—Passes for the removal of timber or forest produce from the reserved forests in the Chittagong Hill Tracts may be obtained from—

(*a*) the officer in local charge of the forest, or
(*b*) the officer in charge of the Chittagong Forest Division,
on payment of such royalty or on such other payment on account of the price of the materials as is prescribed by competent authority.

The holder of any such pass shall be entitled, on production thereof, to take his timber or forest produce free of further payment, and without stopping, past any revenue station specified in Rule II.

Provided that the officer in charge of any such revenue station may stop any such timber or forest produce, and subject the same to examination.

Any timber or forest produce found in excess of, or of a different kind to, that specified in the pass may be detained by the said officer until any sums that may be due in respect thereof be paid.

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* *Vide* Notifications dated 17th October 1881, 31st July 1882, and 12th October 1885.

If it shall appear that such excess or different kind of timber or forest produce has been obtained fraudulently, the officer in charge shall seize the same and report the matter for the orders of the officer in charge of the Chittagong Forest Division.

IV. Procedure required from holders of waste land lots in fee simple, or of leases which give the right of removal of forest produce from the land leased.—Holders of waste land lots in fee simple within the Chittagong Hill Tracts, and persons whose leases give them the right of removing timber or forest produce without further charge from such lots or lands as are covered by their leases, shall, if they desire to transport such timber or forest produce by river in the manner described in Rule II, apply to the Deputy Commissioner for passes to cover the maximum amount of each kind of timber or forest produce which they expect to export during the year ending on the 31st March next following the date of their application. The amount of each despatch of timber or forest produce shall be entered on the back of such pass, and shall be checked by the officers in charge of the revenue stations at which such timber or forest produce may be stopped under Rule II, after which the same may be removed free of charge.

V. Stoppage of produce from forest tracts not being reserved forests.—All timber or forest produce exported from forest tracts not being reserved forests shall be stopped for examination at one of the revenue stations specified in Rule II, and for the levy thereon of the royalty or price fixed by competent authority.

VI. Obstruction of rivers prohibited, such obstructions to be removed by, or at the cost of, the parties in fault.—The closing up or obstructing of any river used for the transit of timber or forest produce, or the stoppage of navigation on the same, is prohibited. The Deputy Commissioner may order any person who, by his act or negligence, has caused such closure, obstruction, or stoppage to remove the same within a time specified, or may cause such obstruction to be cleared, and recover the cost of such clearance from the person by whose act or negligence it was caused.

VII. Registration of property marks, and fees to be paid for the same.—All persons engaged in the cutting and export of timber or forest produce shall annually register their property marks in the office of the Divisional Forest Officer. Such marks shall consist of a device to be approved by the Divisional Forest Officer, and the fee for registration shall be Re. 1 (one) for first registration, and four annas for each subsequent annual renewal. A certificate of registration, showing the device registered, shall be given to each person registering his mark, and a copy of the certificate shall be forwarded to the Deputy Commissioner. Marks shall ordinarily be registered to hold good for one route or line of export only, but any person may register the same mark for use on more than one route, subject to the payment of a separate fee for each such line of route.

VIII. Penalty clause.—Any person infringing any provision of these rules shall be punished with imprisonment of either description, which may extend to six months, or with fine, which may extend to Rs. 500, or with both.

Under the provisions of Rule V of the River Rules for the Chittagong Hill Tracts the royalty on timber or forest produce exported from the Chittagong Hill Tracts, shall be levied at an *ad valorem* rate of 10 per cent. on the market value of such produce. The Deputy Commissioner shall, under the advice of the District Forest Officer, and subject to the approval of the Commissioner of the Division, from time to time draw up a table of values of all descriptions of forest produce likely to be exported, and may from time to time, with the like advice and approval, correct, modify, or alter such table of values. The value of all forest produce shall, for the purposes of this rule, be deemed to be that specified in the said table. Such table shall, when approved by the Commissioner, be published at all the revenue stations, and be otherwise made generally known, and all modifications or corrections of the said table shall be similarly notified.

CHAPTER V.

RULES FOR THE COLLECTION OF DRIFT AND STRANDED TIMBER.

* (*a*) —Darjeeling and Julpigori Districts and Sunderbuns Forests.

The Lieutenant-Governor is pleased to direct that, in accordance with section 45 of the Indian Forest Act, 1878, the following shall be the areas within which all unmarked wood and timber shall be the property of Government, unless and until any person establishes his right and title thereto under the provisions of the said Act, and the rules made under it :—

(*a*).—The following rivers in the districts of Darjeeling and Julpigori, together with their tributaries, so far as they flow through British territory down to the southern boundary of those districts :—

1. Mechi river.
2. Chenga.
3. Balasun.
4. Mahanudi.
5. Teesta.
6. Jaldaka.
7. Doodooa.
8. Mojnan.
9. Toorsa.
10. Booree Toorsa river.
11. Kalajani.
12. Darsi.
13. Raidak.
14. Kalkali.
15. Sunkas.

(*b*).—The seashore and the rivers and creeks in the districts of the 24-Pergunnahs and Jessore, so far as they are included within the boundary of the reserved and protected forests of the Sunderbuns.

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* *Vide* Notification of the 3rd November 1879.

(*b*).—SUNDERBUNS FORESTS.

Notification dated the 16th February 1881.—The following rules are sanctioned for the collection of drift timber in the Sunderbuns forests, under section 51 of the Indian Forest Act VII of 1878:—

I.—*Interpretation clause.*—All words used in these rules and defined in Act VII of 1878 (the Indian Forest Act, 1878) shall be deemed to have the meanings respectively attributed to them by the said Act.

And in these rules 'Drift Timber' shall mean timber of the descriptions mentioned in section 45 of the said Act.

II.—*Procedure to be used in obtaining permits to collect drift timber.*—Any person who, within the area of the Sunderbuns to which section 45 of the Act has been extended by the Government Notification of the 3rd November 1879, published in the *Calcutta Gazette* of the 19th idem, wishes to salve drift timber, shall apply to the officer in charge of the Sunderbuns Forest Division for a written permit specifying the nature of the timber which he wishes to salve, and shall register the boat or boats to be used in salving.

Every boat so registered shall have conspicuously painted on it its register number, the date of registration, and a letter indicating the revenue station at which such boat was registered. A fee of Rs. 5 shall be levied for each boat for the first registration, and a fee of one-half this amount for every subsequent registration. Every registration shall hold good for one year from the date thereof. Provided that if any person shall wish to enter the area defined above for the purpose of salving drift timber, the property of himself or of any known owner, a written permit for this special purpose may be granted him by the officer in charge of the Sunderbuns Forest Division on payment of a fee of Rs. 2 only; but such person shall be bound by all the conditions regarding the registration and marking of his boats laid down in this rule.

III.—*Salved timber to be taken to drift timber depôts*—All timber salved shall be taken, with as little delay as possible, to the nearest drift timber depôt.

IV.—*Nothing to prevent chance timber being salved.*—Nothing in the preceding rules shall be held to prevent any person lawfully plying a boat within the limits of the Sunderbuns reserved and protected forests rom salving any drift timber that he may find.

V.—*Salved timber which may become vested in Government to be sold by auction.*—All drift timber salved under these rules, which may become vested in Government under section 48 of the Indian Forest Act, shall be sold by auction within such periods and in such manner as the Conservator of Forests may direct.

VI.—*Amount of salvage* (*a*).—Any person, whether a forest officer or not, who has salved any drift timber, shall be entitled to receive as salvage an amount equivalent to 15 per cent of the estimated value of such drift timber, as adjudged by the Sunderbuns Divisional Officer or by any subordinate officer specially authorised by the Conservator of Forests in that behalf—

(*b*) Provided that any person authorised by permit to salve drift timber under Rule II shall receive as salvage an amount equivalent to 25 per. cent. of the estimated

value of the drift timber salved by him, such value being adjudged as above provided.

(*c*) In special cases the Conservator of Forests may increase the amount of salvage to a sum not exceeding 50 per cent. of the estimated value of the drift timber salved.

(*d*) When more persons than one are concerned in salving, the amount of salvage shall be paid to them collectively and on their joint receipt.

VII.—*Payments required when drift timber is proved to be the property of a claimant.*—If the drift timber collected shall be shown under section 47 of the Act to be the property of any person other than Government, such person shall be liable to pay to Government, under section 50 of the Act, the following amounts, viz.:—

(1) the actual amount of salvage paid to the salvor;

(2) the actual cost incurred in moving the timber to the drift depôt;

(3) such fees as may, from time to time, be fixed, with the sanction of Government, for the storing of timber at such depôt.

VIII.—*Registration of property marks.*—Any person holding a permit under Rule II, who makes use of any property mark or device for marking drift timber salved by him, may register the same in the office of the Sunderbuns Forest Divisional Officer. The fee to be paid for such registration shall be one rupee for the first year, and eight annas for each annual renewal. A certificate of registration showing the marks registered shall be given on payment of the prescribed fee.

IX.—*Penalty clause.*—Any person who shall infringe any of these rules shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(*c*).—Districts of Chittagong Hill Tracts and Chittagong.

The Lieutenant-Governor is pleased to direct, under section 45 of the Indian Forest Act (VII of 1878), and in continuation of the* notification of the 3rd November 1879, that the following shall be the areas, in the districts named, within which all unmarked wood and timber shall be the property of Government, unless and until any person establishes his right and title thereto under the provisions of the said Act, and the rules made under it.

The following rivers, in the districts of the Chittagong Hill Tracts and Chittagong, together with their tributaries, so far as they flow through British territory:—

1. Fenny,
2. Dhroong,
3. Haldah,
4. Kalapania,
5. Sartab,
6. Ishamatti,
7. Karnafulli,
8. Sylock,
9. Sungoo,
10. Doloo,
11. Hangar,
12. Tak, or Tunkawati,
13. Matamori, or Mamori,
14. Kadgong,
15. Bagkhali,
16. Rozoo,

* This re[illegible] of the [illegible] Sal[illegible] Sunderbun[illegible] [illegible] 5

provided that, under the last clause of the said section 45, all pieces of timber measuring less than six feet in length, and three feet in girth shall be exempted from the provisions of the said section.

* Drift Timber Rules of the Chittagong District and of the Chittagong Hill Tracts.

1. *Drift timber may be salved by any person.*—All pieces of timber measuring over six feet in length and three feet in girth, and all bamboos when floating in rafts or tied together in bundles found adrift, beached, stranded, or sunk within the areas of the districts of Chittagong and the Chittagong Hill Tracts to which the provisions of section 45 of the Indian Forest Act, VII of 1878, have been extended by the Government notification dated the 3rd July 1884, may be salved by any person.

2. *Timber to be taken to drift depôt.*—The salver shall deliver such timber and bamboos to the forest officer in charge of any duly notified drift timber depôt, or of any of the forest revenue stations which have been, or may hereafter be, notified, under the River Rules of the 17th October 1881, which said revenue stations shall be drift depôts under these rules. The drift depôts will be as follows, with effect from the 3rd July 1884:—

Name of river.	No.	Name and locality of depôt.
Fenny	1	Fenny revenue station (at the Amli ghât).
Dhroong ...	2	Dhroong ditto.
	3	Fatakcherry ditto.
Haldah ...	4	Haldah revenue station.
Kalapania ...	5	Kalapania ditto.
Sartah ...	6	Sartah ditto.
Ishamatti ...	7	Ishamatti ditto.
	8	Rajashat ditto.
	9	Sialbukka ditto.
Karnafulli ...	10	Karnafulli ditto (at the Chandraghona thana).
	11	Ishamatti Mukh drift depôt (at the junction of the Karnafulli and Ishamatti).
	12	Kainchighat drift depôt (on the Kadalpur road).
	13	Chittagong ditto (at Chittagong timber depôt).
Sylock ...	14	Sylock revenue station.
Sungoo ...	15	Sungoo ditto.
	16	Dohazari drift depôt (at crossing of the Arakan road).
	17	Doloo Mukh drift depôt (at junction of Sungoo and Doloo rivers).
Doloo ...	18	Doloo revenue station.
Hangar ...	19	Hangar ditto.
Tak or Tunkawati ...	20	Tunkawati ditto.
Matamori or Mamori.	21	Matamori ditto (at Manikpur village).
	22	Chakaria drift depôt (at Chakaria thana).
	23	Harbang ditto (at junction of the Matamori and Harbang).

* *Vide* Notification of the 3rd July 1884 and 30th April 1885.

Name of river.	No.	Name and locality of depot.
Eadgong ...	24	Eadgong revenue station (at Bhomoriaghona village).
Bagkhali ...	25	Bagkhali ditto (at Ramoo thana).
Rezoo ...	26	Rezoo ditto.

3 *Salvage fees.*—Any such person who shall have salved timber or bamboos as above enumerated under these rules, and taken the same to any drift timber depôt, shall be entitled to receive as salvage fees—

(*a*) from the owner, through Government, 50 per cent. of the value as adjudged by the forest officer, in the case of timber and bamboos, the ownership of which is proved and admitted under section 47 of the Indian Forest Act;

(*b*) from Government, in the case of timber and bamboos that become vested in Government under section 48 of the said Act, 50 per cent. of the net balance of the auction sale account, after deducting therefrom all expenses of transport and other charges: such salvage fees to be paid after the sale has been effected.

4. *Payments required when drift timber is shown to be the property of a claimant.*—No such timber or bamboos shall be delivered to any claimant who (under section 47 of the Indian Forest Act) has been recognised to be the owner, until, under section 50 of the said Act, he shall have paid to the forest officer 50 per cent. of its value as adjudged by that officer, together with such other expenses as may have been incurred in salving the said timber or bamboos. Should the recognised owner fail to make these payments within 10 days of his receiving intimation from the forest officer of the amount due, the property salved shall be dealt with (under section 48 of the Act) as unclaimed timber.

5. *Salved timber which may become vested in Government to be sold by auction.*—All drift timber or bamboos salved under these rules, which may become vested in Government under section 48 of the Indian Forest Act, shall be sold by auction after two months from the expiry of the period fixed for the disposal of claims under section 46 of the said Act.

6. *Property marks.*—All property marks registered uuder rule VII of the Chittagong River Rules of the 17th October 1881 shall be held to be property marks establishing claim to drift timber salved under these rules.

7. *Penalty clause.*—Any person who shall infringe any provision of these rules shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(*d*).—The Gunduck River and its Tributaries in the Chumparun District.

The 2nd February 1887.—The Lieutenant-Governor of the Lower Provinces of Bengal is pleased to direct, under section 45 of the Indian Forest Act (VII of 1878), that the river Gunduck and its tributaries, so far as they flow within his jurisdiction in the Chumparun district, or along its borders, are areas within which all unmarked wood and timber, and all wood and timber on which the marks have been obliterated or defaced by fire or otherwise, are deemed to be the property of Government, unless *or* until any person establishes his right and title thereto under the provisions of the said Act, and the rules made under it.

The Lieutenant-Governor approves the following rules with regard to the collection of drift timber in the Gunduck river and its tributaries in the Chumparun district:—

Drift Timber Rules for the River Gunduck and its tributaries, so far as they flow in or along the boundaries of the Chumparun District, within the jurisdiction of the Lieutenant-Governor of Bengal, made under section 51 *of the Indian Forest Act.*

1. *Drift timber may be salved by any person.*—All pieces of unmarked wood or timber, and all pieces on which marks have been obliterated or defaced by fire or otherwise, found adrift, beached, stranded, or sunk in or on the banks of the river Gunduck and its tributaries, may be salved by any person.

2. *Report to be made when wood or timber is salved.*—The salvor shall intimate the fact that he has salved wood or timber to the Forest Officer, or to such Police or other officer or subordinate as the Forest Officer may from time to time direct to receive such reports.

3. *Salvage fees.*—Any such person who shall have salved wood or timber under these rules shall be entitled to receive as salvage fees—

(*a*) in the case of wood or timber, the ownership of which is proved and admitted under section 47 of the Indian Forest Act—from the owner, through the Forest Officer, 50 per cent. of the value thereof, as adjudged by the Forest Officer;

(*b*) in the case of wood or timber that becomes vested in Government under section 48 of the Indian Forest Act—from Government, 50 per cent. of the net balance of the sale account of the said wood or timber, after deducting therefrom all expenses of transport and other charges (if any): such salvage fees to be paid after the sale has been effected.

4. *Payments required when drift timber is shown to be the property of a claimant.*—No such wood or timber shall be delivered to any claimant who (under section 47 of the Indian Forest Act) has been recognised to be the owner until, under section 50 of the said Act, he shall have paid to the Forest Officer 50 per cent. of its value as

adjudged by that officer, together with such other expenses as may have been incurred in salving the said wood or timber. Should the recognised owner fail to make these payments within 10 days of his receiving intimation from the Forest Officer of the amount due, the property salved shall be dealt with (under section 48 of the Act) as unclaimed timber.

5. *Salved timber which may become vested in Government to be sold to the best advantage.*—All drift and stranded wood and timber salved under these rules, which may become vested in Government under section 48 of the Indian Forest Act, shall be sold to the best advantage after two months from the expiry of the period fixed for the disposal of claims under section 46 of the said Act.

2. *Penalty clause.*—Any person who shall infringe any of the provisions of these rules shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

The Lieutenant-Governor is pleased, under section 2 of the Indian Forest Act, to vest the Collector of the Chumparun district and the Subdivisional Officer of Bettiah with the powers of Forest Officers for the purpose of carrying out the rules made under section 51 of the said Act for the salving, collection, and disposal of drift and stranded wood and timber on the river Gunduck and its tributaries, so far as they flow within his jurisdiction in or along the borders of the Chumparun district.

CHAPTER VI.

SUBSIDIARY RULES.

POWERS OF FOREST OFFICERS UNDER SECTION 75(*a*)—*vide* CHAPTER I, SECTION I.

Grant of rewards under section 75(b)—see ditto.

* (*a*).—RULES FOR THE UNLEASED PORTIONS OF THE CHITTAGONG KHAS MEHALS.

Reservation of trees (section 75 (c)).

Felling of any of the trees named below is prohibited in the unleased portions of the khas mehals situated in the Regulation District of Chittagong without the previous permission of the Collector, or of such officer as he may authorize to issue permits on his behalf,

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* *Vide* Notification dated the 12th June 1886.

on the payment of rates approved by the Commissioner of the Chittagong Division—

1.	Jarool	*Lagerströmia Reginæ,*
2.	Telsur	*Drimycarpus racemosus,*
3.	Toon, chikado or shuruzbed ...	*Cedrela Toona,*
4.	Garjan	*Dipterocarpus turbinatus,*
5.	Chaplash	*Artocarpus Chaplasha,*
6.	Chikrasi	*Chikrassia tabularis,*
7.	Nagesar	*Mesua ferrea,*
8.	Kandeb	*Calophyllum polyanthum,*
9.	Semul	*Bombax malabaricum,*
10.	Tali	*Dichopsis polyantha,*
11.	Pitraj	*Amoora Rohituka.*

and all trees planted by Government within the said khas mehals.

(*b*).—*Boat registration (section* 75(*d*)).

SUNDERBUNS FORESTS.

The 12th September 1880.—The Lieutenant-Governor is pleased to notify, under section 75 of the Indian Forest Act (VII of 1878), that on and after the 1st October next, any persons trading in timber or forest produce, or desirous of purchasing and removing forest produce from the reserved and protected forests of the Sunderbuns, may, if they so desire, and in place of having their boats as heretofore measured on every occasion that they enter or leave those forests or pass any of the forest toll-stations, have their boats measured once for all, and such measurement registered by the Deputy Conservator of Forests or his subordinates at any of those toll-stations, viz.—

1. Mud Point.
2. Shikarpur.
3. Nalkora.
4. Meeragunj.
5. Basrah.
6. Samukputha.
7. Bamanghatta.
8. Mutlah.
9. Rampura.
10. Sahibkhali.
11. Bussuntpur.
12. Halderkhali.
13. Boorigoalni.
14. Cobaduk.
15. Cassee Abad.
16. Baniakhali.
17. Dhakee.
18. Bhitabhanga. Dacope
19. Khoolna.
20. Arnamoogla. Shella
21. Chandpie.
22. Phoolhatta. Lewdhara
23. Suputi.*

Such registration will hold good for the period of one year, and may be renewed after the expiry of that period.

Any boat the measurement of which is so registered will not be liable to further remeasurement or detention, either within the forests or at the forest toll-stations, provided—

(1) that the boat does not contain any forest produce other than that entered in the permit; and

(2) that the load does not exceed the registered burden, as shown by the mark on the water-line.

All boats registered will have the maundage and date of measurement painted in letters not less than 4 inches long on both sides of

* Notification dated 25th April 1887.

the bow; and amid-ships on either side will be painted the water-line, or line showing the loaded draft. This last will be indicated by a circle painted in white, intersected by a red line marking the depth to which the boat may be loaded. This line will be fixed at the pleasure of the manjee before measurement is made, and the measurement will be made accordingly.

The fees payable when a boat is registered for the first time shall be according to the following scale:—

					Rs.	A.	P.
Boats not exceeding			50 maunds	...	0	4	0
Above	50 and not exceeding		100 ,,	...	0	8	0
,,	100 ,,	,,	500 ,,	...	0	12	0
,,	500 ,,	,,	1,000 ,,	...	1	8	0
,,	1,000 ,,	,,	2,000 ,,	...	2	0	0
,,	2,000 ,,	,,	3,000 ,,	...	3	0	0
,,	3,000 ...	...	...	...	4	0	0

On renewal of the registration after the expiry of twelve months, fees shall be payable at half the rates given in the above scale, provided that application is made for such renewal of registration within two months of the expiry of the said twelve months. After that period the full fees will be payable as for fresh registration.

(c).—*Fire protection (section 75(d)).*

* Rules for the Darjeeling, Julpigori, Hazaribagh, and Lohardugga districts and the Government estate of Angul.

I.—Any person living in the vicinity of a Government forest reserve, or occupying or using land in such vicinity, and desirous of clearing by fire any standing forest or grass land near that reserve, in a locality from which such fire would be likely to endanger the reserve, shall observe the following rules:—

(1) He shall give notice of at least one week to the nearest officer, ranger or forester, of his intention.

(2) He shall clear a belt of land at least 20 feet broad on the side of the land he proposes to burn nearest to the forest reserve.

(3) He shall choose for such burning a day or time when a high wind is not blowing.

(4) He shall light the fire in a direction contrary to the prevailing wind.

II.—Any such person desirous of burning, on land adjoining a forest reserve, wood, grass, or weeds, or other cut material, shall collect that material into heaps, and burn it separately in such a way that the fire may not endanger the forest reserve.

III.—Any person collecting inflammable forest produce, such as grass and bamboos, on land adjoining a forest reserve, and any holder of a permit to collect such materials from the forest reserve, shall stack the material so collected in an open space, as far removed as possible from the forest.

Vide Notifications dated 11th December 1880, 3rd December 1881, and 5th June 1885.

Notifn No. 1737 for 27 3d May/92.

IV.—All persons travelling on roads passing through or along the boundary of a forest reserve shall camp only at such places as may be cleared and set apart for the purpose of camping-grounds by the forest officer, who shall yearly publish a list of such grounds in the vicinity of the reserve. Camping at other localities than those so set apart is forbidden; and all persons so camping shall light any fires they may make for cooking or other purposes in such a way as not to endanger the forest reserve, or the buildings or property on the camping-ground; and they shall extinguish all such fires before leaving the camping-ground.

V.—The carriage of burning wood, fire-brands, or torches through or along the boundary of any reserved forest, is prohibited.

* (*d*).—*Rules regulating grazing (section* 75(*d*)*)*.

(1).—Dumsong Sub-division of Darjelling District.

Rule I.—For the purposes of these rules the forest will be divided into—

1.—Lower forest.

2.—Upper do.

The lower forest will be composed of the forests along the valleys of the Rungpo and Teesta, viz., the lower part of the Dumsong, the Kalimpong, the lower part of the Rinkinpong, the Tunang, and the Nuzzeokh forest reserves, as well as the forests of the lower hills, including the Teesta Chel range, the Sukam block, the northern Tondoo, and the lower portions of the Nar and Juldaka forests. The upper forest will contain the remainder of the forest reserved or proposed to be reserved.

Rule II.—Grazing in the lower forest will not be permitted except under monthly permits to be obtained from the officer in charge of the range on payment of such fees as the Conservator of Forests may fix from time to time. The localities in which such officer may be authorised to grant permits will be fixed annually in accordance with the instructions contained in paragraph† 97 of the Forest Department Code.

Rule III.—Grazing in the upper forest will be reserved primarily for cultivators, who are tenants of Government in the Kalimpong sub-division. Any such person who wishes to graze his cattle in the upper forest shall take out a quarterly pass for that purpose on or before the first day in each quarter, at the office of the Divisional Forest Officer, and shall pay for such pass at the following rates:—

	Rs.	A.	P.
For each buffalo	0	4	0
„ bullock, cow, pony	0	2	0
„ sheep or goat	0	1	0

or at such reduced rates as the Conservator of Forests, with the approval of the Deputy Commissioner, may from time to time prescribe. Persons who are not residents of the Kalimpong sub-division may be

* *Vide* Notification, dated 21st February 1882.
† Section 62 of the Code, 3rd Edition.

permitted to graze their cattle in these forests on payment of the rates which may from time to time be fixed by the Conservator of Forests.

Rule IV.—The mandals (33 in number) of the different blocks will be permitted to graze free of charge, in the upper forest, such cattle as are *bonâ fide* their own personal property. Any of these mandals may apply for permission to the Deputy Commissioner or the Assistant Commissioner of Kalimpong, who will obtain for him from the Divisional Forest Officer the permits for such cattle as he may consider him entitled to graze. In all respects other than the payment of fees, such permits shall be held to be permits granted under Rule III of the rules, and the holders shall be bound to carry out all the provisions of these rules. If in any case the Deputy Commissioner or Assistant Commissioner shall consider it necessary to refuse to apply for the permit, he shall be at liberty to do so, and the applicant shall then be entitled to graze his cattle only upon payment of the fees prescribed in Rule III.

Rule V.—All such permits shall expire on the last day in each quarter, viz., June 30th, September 30th, December 31st, and March 31st, respectively; and permits for portions of a quarter shall be counted as for a whole quarter.

Rule VI.—The permits shall fix the forest block or compartment in which the privilege of grazing may be exercised, and the block or compartment shall be selected by the divisional officer with due regard to the convenience of the permit-holder, provided that at least one-half the area of the upper forest shall always be made available for such grazing.

Rule VII.—The construction of grazing camps, enclosures, or *bathans* shall be permitted in such blocks or compartments as may be permanently set apart for that purpose by the sub-divisional forest officer. For the construction of such grazing camps, enclosures, or *bathans*, permit-holders may utilise such dead and dry wood as may be found in the vicinity, and, with the permission of the forest officer previously obtained, canes and bamboos Should sufficient dry wood not be available, the Divisional Forest Officer or his subordinates may allow trees of the less valuable kinds, of less girth than 18 inches, to be cut on payment of a fee of six pies for each tree so cut. No charge shall be made for canes, bamboos, or dry wood.

Rule VIII.—The cutting of saplings and lopping of the branches of trees is prohibited. This rule should not be held to apply to bamboos or the small species of *Aralia* (*Chinia*).

Rule IX.— Any person in charge of cattle grazing under a permit shall be bound to keep his permit ready for inspection and to show it, on demand, to any forest officer visiting the *bathans*.

Rule X.—All permits, on the expiry of the term for which they are granted, must be returned to the office of issue.

* (2).—Darjeeling Forests.

1. Grazing in the reserved forests of the Darjeeling Forest sub division, other than those north of the Little Rangit river, is prohibited, except under the following rules and conditions.

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* *Vide* Notifications dated 10th October 1885 and 19th November 1885.

2. Permits for grazing will be issued by the forest officers in charge of ranges hereinafter referred to as range officers, for the calendar month, on payment of such fees as may from time to time be fixed by the Conservator of Forests with the sanction of Government. The permits will fix the block or locality in which the privilege of grazing may be exercised; such blocks or localities shall be selected by the Divisional Forest Officer with regard to the protection of the forest, the convenience of the permit-holder, and the existing orders of Government on the subject, or orders which may in future be issued by Government.

3. He shall not be obliged to allow grazing in any given block to more than one head of cattle to every 10 acres of area, but on the other hand may locate any number of cattle in a block, provided the area available for grazing in that block be five acres per head.

4. Grazing will be reserved for milk cattle required for the supply of milk and butter to the public in Darjeeling, Jellapahar, and Jore Bungalow, and for a number of draught cattle not exceeding 150 heads.

The Divisional Forest Officer will not be bound to provide grazing for any cattle other than the above, but may, with the sanction of the Conservator, allow temporarily a larger number if he considers it can be done with due regard to the interest of the forest.

5. The construction of grazing camps, enclosures, or *bathans* is prohibited, except on the sites pointed out by the Divisional Forest Officer. Sites for two *bathans* shall be allowed to each grazier whose permit allows him to graze more than five head of cattle. Should more be required, or a change of site applied for, the question to be decided in case of dispute by the Divisional Forest Officer and Deputy Commissioner.

6. In the cases in which the two *bathans* allotted to a permit-holder lie in two different blocks, he shall not leave one for the other without previous notice to the range officer, and without having the permission of this officer endorsed on the permit.

7. For the construction of, and repairs to, these *bathans*, permit-holders may utilize such dry fallen wood as may be found in the vicinity, and, with the permission of the range officer, canes and bamboos. Should sufficient dry wood not be available, the Divisional Forest Officer, or his subordinate under his orders, may mark and allow to be cut for this purpose trees of the less valuable kinds of smaller girth than 18 inches on pre-payment of annas 4 per tree. No charge will be made for canes, bamboos, or dry wood.

8. The Divisional Forest Officer may prohibit the construction of *bathans* for draught cattle.

9. The cutting and lopping of trees is prohibited. This rule does not apply to bamboos, creepers, and the trees known as *Dung-Dung* (*Brassaiopsis Hamla*) and *Dudhia* (*Ficus gemella*).

The prohibition of cutting and lopping trees does not apply to the shrub known as Phulsari (*Rubus lineatus*).

10. Payment for permits for grazing will be made in advance on the first day of the month, and in case of payment not being made by the 10th, double fees may be charged; if not made by the 20th, the cattle may be driven out of the forest, or the defaulters prosecuted

under section 25 (*d*) of the Indian Forest Act, and the issue of a permit refused, subject to appeal to the Conservator. Should the Conservator consider it desirable, payments may be made quarterly, but subject to the above provisions as to payments.

11. Buffaloes, goats, and sheep will not be allowed grazing in the forests forming the circles to be worked for the supply of fuel and timber to Darjeeling, Jellapahar, and tea plantations.

12. All permits will be kept at the *bathans*, and will be produced for inspection whenever called for by any Forest or Police Officer. On the expiry of the term for which a permit is issued, it shall be returned to the office of issue, and a fresh permit may be refused, unless the applicant produces his expiring or expired permit.

13 The range officer shall, after issue of a notice to any holder of a grazing permit, copy of which shall be sent for record to the Divisional Officer, require that on a day fixed, not less than seven days from the date of the notice, he shall have all his cattle within his *bathan* to allow of their number being checked with his permit. Such inspections shall not be made oftener than four times in the year: they shall ordinarily be held between the hours of 7 and 10 A.M., so as not to cause unnecessary inconvenience to the permit-holder, who may, however, by giving at least two days' notice to the range officer, fix any other hour between 8 A.M. and 6 P.M. of the day appointed by the notice that may be more convenient to himself. Should the permit-holder refuse or neglect to comply with the terms of the notice referred to above, or otherwise hinder the thorough inspection of his cattle, the issue to him of a fresh permit may be refused until he has complied with the requirements of this rule.

The Conservator may exempt by name, class or locality, any person or persons from the requirements of the preceding clause.

Nothing in this rule shall be held to debar any Forest or Police Officer from visiting and inspecting a *bathan* or cattle-shed or pen within the reserved forests, or the cattle grazing in the forest.

14. Any Forest Officer attached to the Darjeeling Forest Division, to whom the range officer is subordinate, may exercise any of the powers conferred on a range officer by these rules.

KHOORDA PROTECTED FORESTS.

For rules regulating grazing—*see* Chapter III of this compilation.

FINIS.

E. D'S.—Reg. No. 5706J—350—27-6-87.